


3 1761 11970740 4









Digitized by the Internet Archive  
in 2023 with funding from  
University of Toronto

<https://archive.org/details/31761119707404>









CANADA



# Debates of the Senate

---

3rd SESSION

• 40th PARLIAMENT

• VOLUME 147

• NUMBER 89

---

OFFICIAL REPORT  
(HANSARD)

**Tuesday, March 1, 2011**

—  
**THE HONOURABLE NOËL A. KINSELLA  
SPEAKER**

This issue contains the latest listing of Senators,  
Officers of the Senate and the Ministry.



## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>



## THE SENATE

Tuesday, March 1, 2011

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### TRIBUTES

##### THE LATE HONOURABLE MARIAN L. MALONEY

**The Hon. the Speaker:** Honourable senators, a notice has been received from the Leader of the Opposition who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Marian Maloney, a former senator whose death occurred on May 29, 2010.

I remind all honourable senators that, pursuant to our rules, each senator will be allowed only three minutes, they may speak only once, and the time for tributes shall not exceed 15 minutes.

**Hon. David P. Smith:** Honourable senators and members of the Maloney family, I first met Marian Maloney in the fall of 1964, on the steps of the Prince Arthur Hotel in Thunder Bay. I was in my early twenties and I was the National Youth Director and Keith Davey's right-hand man at Liberal headquarters. Lester B. Pearson was Prime Minister. I was bopping across Canada every few weeks, getting "key Liberals" ready, and the Maloney family certainly fell into that category. Sometime journalist Doug Fisher of the NDP held the riding. We had to meet the Maloneys.

I was on the steps of the Prince Arthur Hotel and Marian Maloney walked up to me and said, "I am Marian Maloney but you can call me Babe." I did and for the rest of her life, we were friends.

Bill Maloney was appointed to the bench a while later and the family moved to Toronto. Bill travelled Highways 90 to 97 back and forth when he was a senior regional judge, while Marian held down the fort in Toronto. Every active Liberal knew Marian. To make democracy work, you need to have people who pour their hearts and guts out for the party. The same thing is true for all parties; I am not being partisan.

Marion had causes in Thunder Bay such as the Winter Carnival and the Miss Thunder Bay Pageant, but her real cause was the Liberal Party. She was totally committed to getting more women into politics and getting them elected.

She was known from coast to coast within the party and was very active in the Judy LaMarsh Fund. A few of us old timers can remember Judy LaMarsh. I knew her very well. There are more stories there but not for today.

In 1991, we made some changes to the way the party was structured, and necessary decisions were made. We had to appoint some women to encourage more women to join the

party. At the time, there were 23 ridings in Toronto and we had appointed men to 21 of them. I was campaign chair then, too. All of the appointees were men. I said to Mr. Chrétien, "You have to appoint women to the last two ridings. We cannot have 23 men in 23 ridings in Toronto." Mr. Chrétien agreed. Marian was the driving force behind much of the change.

I cannot resist telling my favourite story about Marian. I encouraged her appointment to the Senate and when it happened, she really only had one year to serve. However, when it all died down, I said to her, "Marian, is everything okay?" She said, "Yes, everything is okay. There is only one thing: Many people know my birthday but I have always been vague about my birth year. However, that information is now a matter of public record and people have finally figured out that I am a few years older than Bill." I told her, "You look younger than Bill and the appointment is worth it."

To the Maloney family, I extend my deepest sympathies. To Marian, who I hope is listening and looking down from up there: We need more people like you. You have left a wonderful legacy in Patrick, Michael and Jamie.

**Hon. Catherine S. Callbeck:** Honourable senators, today I would like to add my tribute to the late Marian Maloney, whose death is a great loss to all who had the good fortune to know her. Marian dedicated her life to making a difference and her legacy will continue to inspire us.

As we all know, Marian was committed to the Liberal Party and considered the people in it her second family. Her commitment to the advancement of women in the Liberal Party was one of her main priorities. Marian is considered the mother of the Judy LaMarsh Fund, which provides money and encouragement to women running for public office. She worked tirelessly to build up the fund to ensure that more women could successfully participate in political life. In so doing, Marian helped change attitudes about women in politics. She supported and encouraged women candidates. She was a friend and mentor to many aspiring female politicians. She was very encouraging with her words and her actions, and worked hard to help women in any way she could.

• (1410)

Many years ago, Marian and her son, Jamie, came to my home province of Prince Edward Island for a visit during the summer. They stayed with me and attended many events, including the christening of HMCS *Summerside*. She did all the things that tourists do when they visit. In fact, I still have a picture in my office she sent me after the trip — dressed head to toe in the *Anne of Green Gables* costume. She loved the Island and enjoyed herself completely.

Whether on the shores of P.E.I. in the Senate chamber or at home in Thunder Bay or Toronto, Marian loved life and truly lived it to the fullest. To her sons Patrick, Michael, Jamie and their families, I express my sincere sympathies. She will be greatly missed.



**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to pay tribute to Senator Maloney. I knew her for over 30 years. She was a very dynamic woman. Her second family was the Liberal Party — more specifically, her commitment to the Liberal Party of Canada and the advancement of women in the Liberal Party — and the Judy LaMarsh Fund was her life's work.

As Jean Augustine, who served as a minister and was the Member of Parliament for Etobicoke—Lakeshore from 1993 to 2005, said, Marian Maloney was a friend and mentor to many women candidates. She worked tirelessly for the Judy LaMarsh Fund, which provides money and encouragement to women running for public office.

To quote Jean Augustine:

She was the mother of that fund. No event happened that she wasn't a part of.

Ms. Augustine recalled an incident from her 1993 campaign, when Senator Maloney demonstrated her take-charge attitude. She said:

I had a very small campaign office with one very rickety table and she walked into the tiny office, placed the lone table in a strategic location and said, "This is my desk." We all laughed because the office was so small that no corner of it could be exclusive to one person. She just came in and took charge.

That was Marian. She took charge of any situation.

In 1998, Senator Maloney was recognized for her tireless efforts when Prime Minister Jean Chrétien appointed her to the Senate. Upon her retirement in 1999, Senator Pélissier called Maloney a leader and a role model for the generation of women who followed her. Many of us agree.

For me, Marian exemplified what it means to be a loyal, passionate and hard-working Liberal. I want to convey to her sons Patrick, Michael and Jamie — and especially to her grandchildren — that many women are active in politics because of your grandmother's and mother's hard work. Thank you for sharing your grandmother and mother with many other Liberal women.

**Hon. Art Eggleton:** Honourable senators, I rise to join my colleagues in this tribute to Marian Maloney. She served a short time in the Senate but her service to the people of this country, the people of her community and the people of the Liberal Party was a driving force throughout her life. Her service is something her family can be enormously proud of, and there is a lot to remember and so many memories.

Marian lived in Thunder Bay, but I knew her in my time as Mayor of Toronto. She made significant contributions to the life of our city. I frequently received advice — and support too — from her and I tell you, advice was given on no uncertain terms.

I am most proud of her work to help advance women in politics. Any time I went to a campaign for a woman candidate, there was Marian Maloney. She was sure to be part of recruiting women as candidates and trying to get them elected.

I think we should keep on with that tradition, that legend and the legacy she leaves us. We can be proud of the service Marian Maloney gave, in our case to our party, but also to this country.

**Hon. Terry M. Mercer:** Honourable senators, I had the privilege of serving as National Director of the Liberal Party for a long time and being an activist in the Liberal Party in both Nova Scotia and Ontario, as well as across the country. I cannot remember exactly when I met Marian Maloney; I cannot remember when she was not in the Liberal Party.

She was indeed an eminent person and had a presence that needed to be dealt with at all times. One was well-advised to deal with her presence or she would make her presence known; and if, by chance, women's issues were allowed to slip off the discussion table purely by accident, Marian would quickly remind those in attendance of the oversight.

That was not only me, the lowly national director of the party. I have seen her remind cabinet ministers. Her favourite was Paul Martin; I saw her call him to task both privately and publicly when he made a mistake. I saw her remind Mr. Chrétien when he left something off the table or had not paid the attention to detail that she thought was needed.

My fondest memories of Marian were in her work on behalf of the Judy LaMarsh Fund, a fund set up to encourage women to participate in the political process through the Liberal Party. It is important that women participate in the process of all political parties, and though there were times when it was a struggle to raise money for this process, Marian never lost her focus. Many women in public life today and many women in the Liberal Party are thankful for Marian Maloney's dedication; and all of us owe a great deal of thanks to her family for sharing her with us.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in the gallery of family members of our former colleague, the Honourable Marian Maloney.

On behalf of all senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear.

## RED CROSS MONTH

**Hon. Catherine S. Callbeck:** Honourable senators, March is Red Cross Month, an occasion to raise public awareness of the work of the Red Cross and to promote its fundraising activities. For more than 100 years, dedicated workers and volunteers have offered their time and energy, both at home and abroad, to provide care and comfort in times of distress, to prevent injury and death and to ensure the well-being of children and adults everywhere.



As we all know, the Canadian Red Cross helps people in communities in Canada and around the world who are affected by emergencies and disasters. The situations can vary immensely, from a family left without shelter or belongings because of a house fire to natural disasters like floods or earthquakes that can disrupt an entire country or region of the world. The Red Cross takes action immediately to provide whatever is needed — such as sending people or supplies or appealing for funds.

Red Cross activities are not limited to disaster assistance. The Red Cross also provides a number of programs and services that ensure the well-being of Canadians here at home. For example, the Canadian Red Cross provides a first aid program that aims to reduce death and suffering due to injury and sudden illness. Nearly half a million Canadians receive first aid and CPR training each year through Canadian Red Cross programs.

Another Canadian Red Cross activity is the water safety program, which originated in a place long connected to the water — Prince Edward Island. Now in its sixty-fifth year, the program is the largest, most recognized water safety program in the country. Red Cross water safety programs include swimming; water safety lessons for infants, toddlers, children, teens and adults; training programs for instructors and instructor trainers; and promotional safety campaigns. Each year more than 1.2 million Canadians enrol in Red Cross swimming and water safety programs, while more than 21,000 are trained and certified as instructors and instructor trainers.

I commend the Red Cross workers and volunteers who work so hard with such compassion and dedication to improve the situation of the most vulnerable in Canada and throughout the world. Honourable senators, I ask you to join with me in recognizing and celebrating the many achievements of the Canadian Red Cross.

### TD BLACK STUDENT OPPORTUNITY GRANT

**Hon. Donald H. Oliver:** Honourable senators, I am pleased to rise today to speak about a major charitable donation by one of our impressive Canadian banks. The TD Bank Financial Group has demonstrated yet another example of how it discharges its corporate social responsibility for assistance to one of Canada's four target groups, namely Black Canadian students.

On February 11, the TD Bank announced an incredibly generous gift of \$1 million to Dalhousie University at a Black History Month event at the Maritime Museum of the Atlantic in Halifax. This \$1 million donation will create the TD Black Student Opportunity Grant that will assist high school students from Black communities to pursue their post-secondary education. The funds are for students who show strong academic potential and are in financial need.

To support this scholarship, Dalhousie will create a unique outreach program for Black junior and senior high school students. TD Senior Vice-President Bruce Shirreff said that this

new program will be aimed at creating role models, encouraging academic aptitude and providing motivation and incentives for Black students to attend a post-secondary institution.

The TD Bank Financial Group and Dalhousie University have teamed up in an effort to eliminate financial barriers and to give Black youth more opportunities to attend university.

Dalhousie University President and Vice-Chancellor Dr. Tom Traves told those assembled at the Maritime Museum of the Atlantic:

Access to university for capable students should be the right of every Canadian, regardless of their origins. Early mentoring can inspire dreams which later can be achieved with essential financial supports provided at just the right moment. TD Bank Group's tremendous gift to Dalhousie University will inspire and support young people from Nova Scotia's Black community to dream and build a better future for us all.

TD's million-dollar announcement also coincided with the launch of the new *Black History in Canada Education Guide*. This guide provides Canadian teachers and students an opportunity to learn more about the many contributions of African-Canadians in our country. It explores seminal events and personalities in Black Canadian history through engaging discussions and interactive activities. It was developed by the Historica-Dominion Institute, distributed by HarperCollins Canada and sponsored by TD Bank. It draws on Lawrence Hill's award-winning and best-selling historical novel *The Book of Negroes*.

Lawrence was in attendance at the Halifax event. He read excerpts from his book and participated in a question-and-answer session with some of Nova Scotia's Black youth.

In conclusion, honourable senators, February is over. Black History Month is behind us now, but this does not mean that we should stop raising awareness about African heritage and culture, nor does it mean we should slow down our fight against racism and discrimination. We need to continue to help foster a diverse and inclusive society, a place where all people, regardless of race, have access to equal opportunities. TD's new scholarship program will do just that. Thank you, TD.

### LIBYA

#### CANADIAN RESPONSE TO POLITICAL UPRISING

**Hon. Roméo Antonius Dallaire:** Honourable senators, I rise to draw your attention to the abhorrent situation of mass atrocities ordered by Colonel Gadhafi and his government against a legitimate opposition movement in Libya.

Though exact figures are difficult to ascertain, some reports have put the death toll from the ongoing clashes with the regime's military aircraft, armed forces and hired mercenaries from across Africa and the Middle East at as high as 6,500, with the figure for refugees and internally displaced persons at over 100,000.

Senator Segal and I described last week, in the pages of the *Ottawa Citizen*, how Colonel Gadhafi's use of terms such as "cockroaches" to describe protesters, as well as the threat to



“cleanse Libya house by house,” recall other cases of mass slaughter including, notably, those in Rwanda and Kosovo. These were the exact terms that were used by the dictatorship in Rwanda 17 years ago as we watched that genocide unfold.

It is laudable that Ottawa has decided to finally take action in regard to Libya, including sending a reconnaissance mission to Malta and finally getting aircraft on site. However, the truth of the matter is that we were silent while atrocities were being reported early last week and even during the initial days of protest. Our government sat on its hands, waiting to take its cue from our allies, a defensible strategy when time is not a critical factor for decision making. In Libya, protesters were being massacred by an evil megalomaniacal regime while democratic governments and world powers, including ours, remained mute.

The actions on Libya that are now being outlined by this government in press releases and speeches such as the one Minister Cannon gave at the UN Human Rights Council in Geneva and the bilateral communications with our allies, including those by the Prime Minister, are all positive and are being produced much faster than they were 17 years ago during that other humanitarian catastrophe. However, they are actions that could have and should have been taken several days ago. Sanctions, assets and travel freezes, and humanitarian deployments should have been automatic, not requiring the direction from or approval of the United States, Britain, France or others, including the United Nations as an independent body.

Simply because the international community came late to the game in Libya should not have precluded Canada from asserting its willingness to act. Actions thus far have demonstrated a willingness to engage in the periphery, but will not provide security to those still being massacred in the streets of Libya.

One week ago at the Council on Foreign Relations in New York, Minister Cannon asked the United States to “respect Canada’s ability to contribute and find space of our own on the world stage.”

Our ability to contribute positively to global unrest, situations of mass atrocities and gross abuses of human rights will not come from a superior military intervention capability. In fact, we participated in cancelling the only rapid reaction capability of the UN, the Standby High Readiness Brigade, SHIRBRIG, two years ago, which we commanded.

To be sure, we do have military assets and knowledge to contribute to a multilateral effort during any of those challenges, but Canada’s ability to contribute must come from its strong moral voice — the voice that once stood clearly for unequivocal support for democracy, human rights and the protection of innocence everywhere, including the intervention and the will to intervene when catastrophic massacres and human rights are massively abused as per the responsibility to protect doctrine that we introduced into the United Nations.

## 2011 SCOTTIES TOURNAMENT OF HEARTS

**Hon. Pamela Wallin:** Honourable senators, while Canadians were watching the glitz, the glamour and the stars parading across the Oscar night stage on Sunday night, I, like hundreds of

thousands of other Canadians, was watching the 2011 Scotties Tournament of Hearts, where, upon a much less glamorous stage, the women of curling were strutting their stuff and sweeping their hearts out.

As the game unfolded, I sat in amazement trying to recall or somehow conjure up my high school geometry so that I might be able to predict just what the curlers intended as they hurled a 40-pound hunk of granite down a sheet of ice, a place that most of us would avoid in February if we could.

Team Saskatchewan — with skip Amber Holland, third Kim Schneider, Tammy Schneider as second and Heather Kalenchuk as the lead — won a down-to-the-wire 8-7 victory in Charlottetown, after Amber’s perfect last rock draw in the tenth end.

The last time Saskatchewan took the Hearts Tournament was in 1997, with the late, great Sandra Schmirler, a true curling icon. “Schmirler the Curler,” as she was known, won three Canadian and world titles. The quiet, understated “Queen of Curling” died of cancer in March 2000. She was only 36 years old, but she had already made history. Schmirler’s foursome won the Olympic gold medal in 1998 in Nagano. That was the first time curling was a medal sport for women at the Olympic Games.

Somehow it seemed a fitting closing of the circle when Saskatchewan skip Amber Holland, another small-town girl who was just 36, was named winner of the Sandra Schmirler MVP Award during the closing ceremonies on Sunday. The award recognizes outstanding play during the playoffs. Let us hope Amber goes on to match, or perhaps even better, Sandra’s record.

I wish Team Saskatchewan much luck as they head to Denmark next month as Canada’s entry in the world championship. Congratulations also to Jennifer Jones and her Team Canada for all the moments of pride and great curling they have given us.

## THE HONOURABLE SHARON CARSTAIRS

### CONGRATULATIONS ON WINNING AMERICAN ACADEMY OF HOSPICE AND PALLIATIVE MEDICINE PRESIDENTIAL CITATION AWARD

**Hon. Jane Cordy:** Honourable senators, for almost 20 years, the Honourable Senator Sharon Carstairs has been a tireless champion for hospice palliative care in Canada. Since her appointment to this chamber in 1994, Senator Carstairs has been a member of two committees that examined the issues of hospice and palliative care, including serving as Chair of the Special Senate Committee on Aging, of which I had the privilege of also being a member.

She has released two special reports on palliative care, one in 2005, and the most recent one in June 2010 on the state of palliative care in Canada, entitled: *Raising the Bar: A Roadmap for the Future of Palliative Care in Canada*.

• (1430)

On Thursday, February 17, Senator Sharon Carstairs received the American Academy of Hospice and Palliative Medicine Presidential Citation Award. Senator Carstairs received the award at their annual assembly in Vancouver, British Columbia.



The American Academy of Hospice and Palliative Medicine is dedicated to expanding access for patients and families to high-quality palliative care and to advancing the discipline of hospice and palliative medicine through professional education and training, the development of a specialist workforce, support for clinical practice standards and research and public policy.

The Presidential Citation is awarded to individuals or organizations that have made significant contributions to the field of hospice and palliative medicine.

Through Senator Carstairs' dedication, progress is being made to improve the state of hospice and palliative care in Canada, an issue that affects millions of Canadians each year.

Honourable senators, please join me in congratulating Senator Carstairs for receiving this award and for her tireless work and dedication to such a worthwhile cause. Her work, which has led to drastic and effective change, is evidence that one very determined individual can make a difference.

Thank you, Sharon, and congratulations on receiving this honour.

[Translation]

#### THE LATE JEAN-MARC LÉGER

**Hon. Andrée Champagne:** Honourable senators, on February 13, 2011, the international Francophonie lost one of its pioneers, one of its best-known and most able defenders, when Jean-Marc Léger passed away.

I cannot say it better than the current Secretary General of the OIF, His Excellency Abdou Diouf, who spoke about this Canadian, a francophone through and through:

The Francophonie family is mourning the loss of a great activist and a father of the Francophonie institutions. Jean-Marc Léger dedicated his courage, skills and profound convictions to laying a solid foundation for our institution, the scope of which we are still measuring, 40 years later. He actively contributed to the creation of the two main Francophonie networks in civil society, those of journalists and academics.

Jean-Marc Léger became a journalist at the age of 24, starting at *La Presse* before moving to *Le Devoir*. He served as secretary general and then president of the Union canadienne des journalistes de langue française.

In 1970, he was in Niamey alongside Senghor, Diori, Bourguiba and Sihanouk, laying the foundation for the structure that became the Organisation internationale de la Francophonie, or OIF.

He loved Africa and was a humanitarian committed to defending the values of solidarity between peoples. Jean-Marc Léger was the first secretary general of the Agence de coopération

culturelle et technique, or ACCT. He encouraged cooperative programs that favoured the development of francophone countries in the south and focused on education and cultural diversity.

For over 15 years, he led the secretariat of the Association des universités partiellement ou entièrement de langue française. He also served as secretary general of the Association internationale des journalistes de langue française.

Jean-Marc Léger also wrote several books, including *Afrique française — Afrique nouvelle* in 1958; *La Francophonie: grand dessein, grande ambiguïté* in 1987; and *Vers l'indépendance? Le pays à portée de main* in 1989.

Honourable senators, the entire Francophonie is in mourning.

It is hard to imagine who could possibly take his place with such humanity, fervour, determination and optimism.

I have no doubt that all honourable senators wish to join me in offering his loved ones and the international Francophonie community our sincere condolences.

[English]

#### THE HONOURABLE ANNE C. COOLS THE HONOURABLE DONALD H. OLIVER

**Hon. Don Meredith:** Honourable senators, I have been listening and learning the ways of the Senate and would like to express my gratitude to all honourable senators in welcoming me to the Red Chamber. We bring to this place our individual strengths and our insights from different backgrounds and regions.

During the month of February, Senator Oliver and Senator Pépin paid tribute to Black History Month in Canada. I would now like to pay tribute to two of my colleagues who have surely faced many hurdles in their lives but have been able to turn these challenges into opportunities: Senator Cools and Senator Oliver.

Senator Anne Cools has been a strong-willed social activist in our communities, fighting for the causes that she believes in. She has proven herself a leader, founding one of the first shelters for abused women in Canada, in 1974, aptly named Women in Transition Inc., in Toronto. Through her innovative and thoughtful social work, Senator Cools has been able to make a difference in curbing domestic and family violence. She has also transformed attitudes and by doing this has changed countless people's lives for the better.

As honourable senators are aware, I am passionate about our youth and Senator Cools has mentored many youth as a field advisor and instructor, in particular to graduate students at many universities across the country. Senator Cools has given these future community leaders insights into a much-needed aspect of life that must be dealt with.

Honourable senators, in the early 1980s, Senator Cools was appointed to the National Parole Board. She was given a first-hand view of how our justice system works and how our inmates were treated in federal correctional facilities.



Senator Cools has amassed a wealth of knowledge from all of these experiences. I understand that the senator is also a voracious reader and enjoys constitutional history — as demonstrated here just a few weeks ago — and the study of legislation. I believe this passion for knowledge is what enriches the Senate. I thank the Honourable Senator Cools.

I find Senator Oliver to be a principled man who has worked tirelessly in his community, in our country and abroad to educate all of us in what it is to be human.

Senator Oliver has had a successful law practice, serving as a civil litigator, and as an educator at several universities. His students are privileged to have had Senator Oliver as their teacher. He has worked hard for almost half a century to improve and to help people understand the society in which we live.

Senator Oliver has spoken to audiences around the world about the urgency of nurturing a diverse and inclusive culture of thought. Senator Oliver is also a strong advocate for corporate governance and responsibility, and believes in what is right and fair in this society. He does not stop at promoting equal opportunities for Black Canadians and other visible minorities in our communities. He has a passion for sharing his knowledge with others. He will gladly help anyone who is willing to take his advice.

Senator Oliver understands volunteerism also, as he gladly gives of his time and expertise to community and cultural organizations across Canada. His diligence in our communities has not been overlooked. He has received three honorary doctorates and countless prestigious awards. I am privileged to be in the company of such a selfless and considerate man as Senator Oliver.

As Harriet Tubman, the self-described conductor of the Underground Railroad, declared:

Every great dream begins with a dreamer. Always remember, you have within you the strength, the patience, and the passion to reach for the stars to change the world.

• (1440)

Honourable senators, please join me in congratulating these two great Canadians.

[Translation]

## ROUTINE PROCEEDINGS

### THE ESTIMATES, 2011-2012

#### PARTS I AND II TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, Parts I and II of the Estimates for the fiscal year, ending March 31, 2012.

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### NISGA'A FINAL AGREEMENT— 2008-09 ANNUAL REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2008-09 annual report of the Nisga'a Final Agreement.

## LIBYA

### REGULATIONS IMPLEMENTING THE UNITED NATIONS RESOLUTION ON LIBYA AND TAKING SPECIAL ECONOMIC MEASURES AND THE SPECIAL ECONOMIC MEASURES PERMIT AUTHORIZATION ORDER TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, pursuant to section 7 of the Special Economic Measures Act and section 4 of the United Nations Act, I have the honour to table, in both official languages, copies of the permit authorization order and the regulations implementing the United Nations resolution on Libya and taking special economic measures. These measures are part of the sanctions imposed on Libya and Moammar Gadhafi that were announced on February 27, 2011.

## THE ESTIMATES, 2011-12

### NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2012, with the exception of Parliament Vote 10.

### NOTICE OF MOTION TO REFER VOTE 10 TO THE STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Parliament Vote 10 of the Main Estimates for the fiscal year ending March 31, 2012; and

That a message be sent to the House of Commons to acquaint that House accordingly.

[ Senator Meredith ]

## QUESTION PERIOD

### FOREIGN AFFAIRS

#### LIBYA—INTERNATIONAL RESPONSE TO POLITICAL UPRISING

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government in the Senate and has to do with the context in which the international community, and specifically our government, is responding to the situation in Libya.

Given that our country was behind the concept of the responsibility to protect whenever there is massive abuse of human rights by a dictatorship in a nation where state sovereignty has failed, we have the responsibility to protect, exercised through the United Nations. Do you not realize the influence Canada would have had if it were a member of the UN Security Council?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the situation in Libya is, of course, grave. By all accounts, for all governments in the world, dealing with the situation has been chaotic, to say the least. Of course, our first priority was, and remains, the safe evacuation of Canadians, but Canada is working with all our allies to intensify pressure on the Gadhafi regime through sanctions, in accordance with the resolution of the United Nations Security Council. The only acceptable way forward is for the Gadhafi regime to halt the bloodshed and immediately vacate authority in Libya.

My seatmate, Senator Comeau, tabled the response of the government and the Prime Minister with the additional sanctions that the Canadian government has placed on Libya. These sanctions have been applauded around the world, including in a statement issued by the Office of the President of the United States yesterday evening congratulating Canada for its stand on Libya.

With regard to the seat on the United Nations Security Council, the actions taken by the Security Council were the right actions, as many people have pointed out. Whether or not Canada was seated there, the impact would have been the same. The council took the decision and Canada fully supported it.

While I am on my feet, I must say as well that the Government of Canada and the people of Canada owe a great deal of thanks to our diplomats, foreign service workers and Canadian military personnel, who are working in difficult and changing circumstances to deal with the situation in Libya. I think all Canadians should be proud of the efforts that have been made there.

Last week, I was monitoring the media from around the world, and all countries faced the same situation in terms of trying to determine what was taking place in Libya. I happened to be watching CNN, because I was not able to leave my home on

Friday — for obvious reasons, as you can probably hear in my voice — and even the great United States of America was struggling to deal with the situation in Libya.

Returning to the subject of the United Nations Security Council, the Security Council made the right decision and it made a swift decision. Canada fully supported it and went even further than the sanctions imposed by the Security Council and the United Nations.

**Senator Dallaire:** Seventeen years ago, those words, or words to that effect, were used for staying out of Rwanda. The Security Council and the international community found it complex and difficult to respond to such a chaotic scenario. Despite the fact that at least this time the Security Council worked on the weekend, while 17 years ago they did not, and despite the fact that the responses on the periphery are faster, this response still has not stopped people screaming for protection, via their cellphones and so on, for humanitarian assistance, for safe zones, and ultimately for stopping the use of firearms and heavy weapons against them, which are crimes against humanity. My point is that we have been involved at the periphery, but the killing is still taking place inside Libya.

Can the Leader of the Government in the Senate tell us why Canada did not support the continuance of the Standby High-Readiness Brigade, which we helped create post-Rwanda as a rapid reaction force for scenarios exactly like this one?

**Senator LeBreton:** I can understand Senator Dallaire's perspective, and, of course, no one would challenge or question his concerns in this area, especially with regard to the situation he faced in Rwanda.

With regard to the situation in Libya, I think it is clear that Minister Cannon, Minister MacKay and the Department of National Defence are working closely with our allies to address the situation. The situation on the ground in Libya is changing. We are working closely with our allies, not only with regard to bringing out those few Canadians left there, but also discussing humanitarian aid and delivering supplies to the population in Libya.

• (1450)

Honourable senators, Department of Foreign Affairs and International Trade and Department of National Defence personnel are stationed in Malta. They are working particularly closely with the British, the Americans and the French. Everything is being done to assist our global partners to stabilize the situation in Libya. Of course, the situation is fragile, as we all know. We have to watch the news each night, as the dynamics change so much from day to day.

Everything is being done. Our people are working hard. I believe that not only Canadians but people in the free Western World are horrified, especially when they watch the interview with Christine Amanpour, as I am sure most of us watched last night, and realize what we are up against.

I can well understand Senator Dallaire's concerns, but I believe that the government, in partnership with our allies, is doing everything humanly possible to bring stability to Libya.



**Senator Dallaire:** I personally lived through the same scenario years ago when the international community worked diligently in removing their expatriates. In fact, they were reasonably effective in that, and we are seeing the same thing today.

However, I question how effective Canada has been in pulling its people out. We know of a significant military aircraft that went in and came out empty, when the airport was full of people. We have seen Canadians boarding British ships there.

Can the leader tell us how many Canadians have been evacuated by the Canadian government, with the influence of Canadian diplomats, and how many have been pulled out by others in this chaotic scenario?

**Senator LeBreton:** I think any criticism of any government, as governments attempt to locate their citizens, let alone evacuate those citizens, is a challenge. Our government has been working closely with the British and the Americans. We have arranged for Canadians to leave on British and American ships. Likewise, we have evacuated other nationals on our aircraft.

I alluded to it earlier, but we have our own personnel from DFAIT and DND working hard over there. We tend to think that somehow this task is easy. The situation in Libya is chaotic. If one thinks about it, the area is larger than the province of Quebec, with a population of six and a half million people, in a chaotic situation, with 200 or 300 Canadians spread amongst this group. To try to enter the country, locate the Canadians and move them to a place to evacuate them properly is a difficult task.

Having said that, I have numbers — I do not have them before me at the moment, honourable senators — of how many Canadians have left as of this moment. As I mentioned, last Friday I was watching CNN, which was reporting and wondering why the United States of America had only succeeded by Friday afternoon in sending one aircraft into Libya to evacuate American citizens. This situation is not unique to Canada. It is faced by all countries of the world. Everyone is working hard and in cooperation.

Our embassy personnel in Tripoli — which were evacuated late last week and rightly so — have continued to work. The Department of Foreign Affairs and International Trade is working directly from Ottawa and from Malta. As anyone will understand if they think about it, our officials face a difficult situation in trying to locate Canadians — and they have located Canadians — and transporting them to an area where they can be evacuated safely.

**Hon. James S. Cowan (Leader of the Opposition):** When I discussed the situation in Egypt several weeks ago with Senator LeBreton, I asked her a question and referred her to a report prepared by our Standing Senate Committee on National Security and Defence. The report recommended that the government undertake a study of the experience in Lebanon and that the government make that study public.

At that time, understandably, the leader did not have that information at her fingertips. Has the leader been able to ascertain, first, whether the government undertook the study recommended by the committee? Second, if it did, when will that report be made public? If the government did not undertake the study, why not?

**Senator LeBreton:** Again, honourable senators, and in defence of our officials from the Department of Foreign Affairs who are stationed in these countries, the situation in Libya is so fluid that any person with an ounce of common sense will understand the difficulties the officials face when situations flare up that are obviously challenging.

The honourable senator's leader and his foreign affairs critic — both silver-spoon-fed sons of diplomats — said that the solution was to hire more diplomats. There are more people and diplomats in Libya now than there were five years ago, and 10 years ago, there were no diplomats in Libya.

It is unfair to criticize the hard work being done by our diplomats. It is also unrealistic to expect any foreign affairs body to anticipate, at the drop of a hat, every trouble spot that may develop around the world and then expect instantly that anyone can go there and snap them up out of remote areas.

Everyone is working hard. We have met with a lot of success in evacuating Canadians. Obviously, the Prime Minister has acquitted himself well in his remarks with regard to the United Nations Security Council and also the further sanctions that Canada has undertaken, so much so that these efforts have won accolades from our allies.

In this situation we are working with our allies, in particular the British, as we operate now with our C-17s — which thankfully this government purchased — and our new Hercules — which thankfully this government purchased — operating out of Malta, in addition to more personnel sent from the Department of National Defence to Malta. All these things will facilitate our ongoing efforts to bring stability to Libya.

• (1500)

**Senator Cowan:** Honourable senators, I was not critical then and I am not critical now of people who are doing what they can. I only asked whether or not, based on the unanimous report of the Standing Senate Committee on National Security and Defence, we might learn something from previous experience.

I will repeat the question that the Leader of the Government in the Senate took as notice. Did the government accept the recommendation of the Senate to conduct an inquiry and to make it public?

I was not criticizing then or now the actions of anyone. I was simply asking if something was done. The leader does not need to give a defence. No one was attacking, so she need not do that.

**Senator LeBreton:** I answered the question, honourable senators. I said that I had not had an opportunity to find that out. That was my answer, but then I decided to add to it.

[Translation]

## FINANCE

### FREEZING BANK ACCOUNTS OF FORMER TUNISIAN PRESIDENT, HIS FAMILY AND GOVERNMENT OFFICIALS

**Hon. Jean-Claude Rivest:** Honourable senators, my question is for the Leader of the Government in the Senate.

Yesterday, the Canadian government announced that it had frozen the Canadian assets of President Gadhafi, his family and associates. This announcement was made approximately one week after the revolution in Libya began.

Unless I am mistaken, the Canadian government has not made such an unequivocal statement as far as Tunisia is concerned.

And yet, with regard to the current government of Tunisia, as well as all Tunisians living in Canada and especially in Quebec, there has been a similar request to freeze the assets of the former president of Tunisia and his associates. After all, it is money that belongs to the people of Tunisia, just as the frozen Gadhafi assets belong to the people of Libya.

More than one month after the revolution in Tunisia, is the Canadian government about to issue a statement that is as unequivocal as its statement on the Libyan situation?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** I thank the senator for that question. The circumstances are different regarding our ability to freeze the assets of Libya due to activities in which Canadians participate in Libya.

As we have stated on many occasions, Mr. Ben Ali, members of the former Tunisian regime and their immediate families are not welcome to come to Canada. The government is very desirous of getting justice for the Tunisian people by freezing the assets of former President Ben Ali regime members, as we have been requested to do by the new Tunisian government. We have assured them that we will use all tools at our disposal to address this.

Honourable senators, the case of Tunisia points out that Canadian law in this area is in need of significant change. I am informed that the government will soon be bringing forward legislation to address the inequities in the law.

## FOREIGN AFFAIRS

### LIBYA—CANADIAN RESPONSE TO POLITICAL UPRISING

**Hon. Art Eggleton:** Honourable senators, we in Western countries failed the people of Rwanda and genocide ensued. In 1999, we did intervene in the situation in Kosovo to save those people from Milosevic. After a period of negotiation that achieved nothing, there was an air campaign against Milosevic and his forces, which ultimately led to him leaving Kosovo. That was done at a time when we were advancing the concept of

responsibility to protect, which has since been adopted by the United Nations. However, this often clashes with state rights issues put forward by some states and that frequently prevents the United Nations from moving with any speed at all. Yet, speed is of the utmost importance here. This madman, Gadhafi, is killing his people every minute and every hour of every day. The sooner he can be removed, the better, in whatever way that can be done.

One proposition on the table for the next step is the implementation of a no-fly zone to prevent the Libyan military from attacking their own people with aircraft. Is the government willing to urge its allies to implement such a zone to diminish the possibility of Gadhafi killing his people and to attempt to bring this situation to an end as quickly as possible before more people are killed?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the Prime Minister has indicated that we are working very closely with our NATO allies and are prepared to consider all options.

## IVORY COAST—ACTIONS OF BELARUS GOVERNMENT

**Hon. Hugh Segal:** Honourable senators, my question is directed to the Leader of the Government in the Senate and deals with a news report indicating that the Government of Belarus will be violating the arms ban with respect to Ivory Coast and delivering attack helicopters to General Gbagbo, who lost the election that was certified by a broad group of international organizations. Those attack helicopters can be used against the Golf Hotel, where international officials and the duly-elected president of that country are now resident.

Would the leader take it under her good offices to inquire as to whether our government is going to call in the Ambassador of Belarus to deliver a firm diplomatic note or take other actions with respect to the completely unacceptable violation of an international arms ban that will put at great personal risk honest and decent people in the Ivory Coast who have participated in a democratic election?

**Hon. Marjory LeBreton (Leader of the Government):** I am very much aware of those reports and I will be happy to get the information the honourable senator requests.

## NATIONAL DEFENCE

### OPERATIONAL STRESS INJURIES

**Hon. Joseph A. Day:** Honourable senators, my question is directed to the Leader of the Government in the Senate. Although it is on a different subject, it is certainly related to the discussion we have had. The question relates to operational stress injury.

The minister will know that approximately 35,000 Canadian Armed Forces personnel will have served in Afghanistan as of July when we change our battle group mission to a training mission. In addition to that, because of the whole-of-government approach that we have been taking with respect to provincial reconstruction in Afghanistan, members of the public service, the RCMP and other first responders have been and continue to be involved in stressful situations.



An expert who appeared before the Veterans Affairs Committee advised us that approximately one third of those who serve in stressful situations will themselves develop some level of stress and have difficulties when they return. That means that approximately 12,000 people, plus their families, may suffer as a result of those situations. Ten years ago, Veteran Affairs indicated that 2,000 people were on their list of clients suffering from operational stress injury. Today that figure has risen to 13,000.

Does the government recognize this exploding problem? Will the minister undertake to urge her cabinet colleagues to take action on this serious gap in providing assistance to those who put their lives on the line to protect our security?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I thank Senator Day for the question. He will be aware of the announcement made in Trenton a week or so ago by Minister MacKay. This is a serious emerging issue with soldiers continuing to return suffering from operational stress injuries.

• (1510)

As the honourable senator is aware, the government has appointed a special adviser for operational stress injuries and skilled mental health teams across Canada provide clinical social work, psychiatric and psychological services. The Canadian Forces have over 378 full-time mental health professionals and are seeking out and hiring more. The Canadian Forces has a greater ratio of health care workers to soldiers than have our NATO allies. We provide mental health care through 33 primary care clinics and detachments across Canada. Members of the Canadian Forces receive support throughout their entire career and deployment cycle.

As the honourable senator also knows because he follows these issues closely, the department has invested millions of dollars in new technology and infrastructure to better support and care for our troops.

**Senator Day:** Honourable senators, I am aware of the announcement by the minister with respect to five new integrated support centres. We heard as recently as this morning from Armed Forces personnel that these centres offer advice to active and retired military personnel on program availability. No treatment or analysis occurs in any of these centres.

We had the opportunity to visit Ste. Anne's Hospital where Dr. Paquette had a dream to create a centre of excellence to help in the understanding of post-traumatic stress and operational stress injury, to learn how to treat it and, hopefully, to be able to take steps to prevent it in the future. The Minister of Veterans Affairs has announced that the hospital at Ste. Anne's is being sold.

Could the minister advise the house as to whether the government continues to share Dr. Paquette's dream to create such a centre of excellence to address this serious and growing problem?

**Senator LeBreton:** I thank the honourable senator for the question. Senator Fraser will be interested in this because she asked several questions about the hospital at Sainte-Anne-de-Bellevue. As the honourable senator is aware, Minister MacKay announced that both the support system and the clinical support system are part of this program.

With regard to the specific question about the hospital, I will take that question as notice.

## HERITAGE

### CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION APPOINTMENT OF VICE-CHAIRPERSON

**Hon. Pierre De Bané:** Honourable senators, when I put a question to the leader about the commitment made in September 2008 by the Prime Minister in the Saguenay that he would consult with the Government of Quebec before appointing a francophone vice-chair of the CRTC, she answered that she did not recall that commitment. I do not doubt that her answer was given to the best of her recollection. However, I checked *The Gazette* and *Le Devoir* from the following day and they both reported that Prime Minister Harper promised to consult with the Government of Quebec.

I ask the leader today if she would be so kind as to check with Minister Moore about whether he consulted with the Government of Quebec as per the commitment of the Prime Minister.

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I will check with the Minister of Heritage, the Honourable James Moore, to ask him what procedures he is following in terms of appointments to the board of the CRTC.

[Translation]

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table a delayed response to an oral question raised by Senator Losier-Cool on February 8, 2011, concerning Fisheries and Oceans—Repairs to New Brunswick Harbours.

## FISHERIES AND OCEANS

### REPAIRS TO NEW BRUNSWICK HARBOURS

(Response to question raised by Hon. Rose-Marie Losier-Cool on February 8, 2011)

Late 2010 brought a series of storms that inflicted unprecedented damage on Small Craft Harbours' facilities. During the fall, Hurricane Igor slammed Newfoundland while Manitoba was hit by a powerful weather bomb. In December, storms and tidal surges struck the coasts of all four Atlantic provinces and Quebec.

While Small Craft Harbours is continuing to assess the extent of damage, at this time, 237 core fishing harbours are known to have been damaged, to varying degrees. A further

19 non-core harbours were also damaged. The damage incurred at the affected core harbours can be divided into three categories: clean-up and minor works; wharf and/or breakwater repairs; and, wharf and/or breakwater reconstruction.

Clean-up and minor repairs are required at 154 harbours. The work includes such interventions as clean-up due to erosion and the accumulation of debris, incremental dredging, and/or minor repairs to wheelguards, fenders, ladders, floating docks and other structures.

Wharf and/or breakwater repairs are required at an additional 59 sites. The work includes repair to the decks of the wharves, timber cribs, electrical systems, existing armour stone — also known as breakwaters — slipways and/or floating wharves.

At the remaining 24 harbours, major wharf and/or breakwater reconstruction is necessary due to extensive damage and significant breaches.

In terms of costs, Small Craft Harbours is still assessing the extent of damage as noted above. Winter conditions make it difficult to undertake engineering inspections of harbour facilities and it will be spring before a complete and accurate damage report, with detailed costing, is available.

In the meantime, Small Craft Harbours is working to secure all sites and ensure public safety. The next priority is to undertake the most pressing repairs, as funding permits, prior to the upcoming fishery season.

Small Craft Harbours is continuing to consider all available means to increase its budget in order to address these repair needs at core fishing harbours.

[English]

## **BILL PROTECTING CHILDREN FROM ONLINE SEXUAL EXPLOITATION**

### **FIFTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED**

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Joan Fraser**, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, March 1, 2011

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

### **FIFTEENTH REPORT**

Your committee, to which was referred Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service, has, in obedience to the order of reference of Tuesday, February 8, 2011, examined the said Bill and now reports the same without amendment.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

**JOAN FRASER**

*Chair*

(For text of observations, see today's Journals of the Senate, p. 1237.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[Translation]

## **LEGAL AND CONSTITUTIONAL AFFAIRS**

### **NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING AND ADJOURNMENT OF THE SENATE**

Leave having been given to revert to Notices of Motion:

**Hon. Joan Fraser:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That, until March 24, 2011, for the purposes of its consideration of government bills, the Standing Senate Committee on Legal and Constitutional Affairs:

- (a) have power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto; and
- (b) be authorized, pursuant to rule 95(3)(a), to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week.

[English]

## **ORDERS OF THE DAY**

### **ELECTRICITY AND GAS INSPECTION ACT WEIGHTS AND MEASURES ACT**

#### **BILL TO AMEND—THIRD READING— DEBATE ADJOURNED**

**Hon. Stephen Greene** moved third reading of Bill C-14, An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act.



He said: Honourable senators, I am pleased to rise to begin debate at third reading of Bill C-14, An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act.

Under section 91, subsection 17, of the Constitution Act, the Government of Canada has exclusive responsibility for trade measurement. The bill before honourable senators is an important piece of legislation designed to confirm fairness, honesty and decency in the marketplace. It is designed to provide consumer confidence; Canadians will be certain that they are receiving fair measure for the money they spend. It would modernize the laws governing trade measurement and provide Measurement Canada with additional tools to ensure equity and accuracy where products are bought and sold on the basis of measure. At each stage of Bill C-14's development, Measurement Canada consulted with stakeholders, including consumers and businesses across Canada. Measures proposed under Bill C-14 were recommended during stakeholders consultations.

Honourable senators, in their appearance before the standing committee in the other place, representatives of the Canadian Petroleum Products Institute offered to work with the government to support measurement accuracy in the marketplace. The institute held that there are few cases of malicious tampering with measurement devices but wear and tear on measuring devices might contribute to inaccurate measurement.

Consumers are not alone in benefitting from rigorous enforcement of measurement standards. During the stakeholder consultations conducted by Measurement Canada, retailers reported that they had been affected by inaccurate measurements, whether by their own inadvertent errors or their competitors' deliberate miscalculations.

Little wonder, then, that this bill has received support in principle from both consumers and retailers. It has passed through the other place with only minor amendments and has brought before honourable senators after further study by the Standing Senate Committee on Banking, Trade and Commerce.

• (1520)

I will remind honourable senators of the three ways in which this bill will promote fair measurement. First, it provides for mandatory inspection frequencies for measuring devices used by retailers under the Weights and Measures Act. Second, it authorizes the Minister of Industry to designate qualified authorized service providers to inspect measuring devices. Third, it modernizes the fines and provides additional tools in the form of administrative monetary penalties, thus providing both stiffer fines and a more flexible approach to address less egregious infractions to promote compliance in the marketplace.

Let me begin with the mandatory inspection frequencies. Under this bill, businesses within eight trade sectors would be subject to mandatory inspections similar to those now imposed upon electricity and natural gas meters under the Electricity and Gas Inspection Act. Eight trade sectors will be initially addressed through these amendments. These sectors are retail petroleum, wholesale petroleum, dairy, retail food, fishing, logging, grains and field crops, and mining.

The bill before us would require that retailers have their devices inspected at regular intervals. Mandatory inspection frequencies would be phased in for the eight trade sectors that I have listed. Other sectors could be added in the future, based on stakeholder consultations. During trade sector review consultations, these stakeholders reiterated that mandatory inspections are necessary to uphold the integrity of the industry and to help retailers remain competitive in high-stakes markets.

Let me now turn to the means by which Measurement Canada will conduct the inspections. This bill does not require additional inspectors working as public servants under Measurement Canada. Rather, the Minister of Industry would have the authority to designate nongovernment inspectors to perform these inspections and to suspend or revoke an inspector's designation. These nongovernment inspectors will not have any enforcement authorities; the government inspectors will retain these. Before they can certify measuring devices, all authorized service providers would be required to complete Measurement Canada's training, as well as meet strict program performance criteria. Measurement Canada would also evaluate all authorized providers to ensure that they carry out duties accurately.

Alternative delivery is an effective way to ensure that devices measure accurately and this has been used successfully under the Electricity and Gas Inspection Act since the mid-1980s.

Measurement Canada would continue to assess marketplace performance through independent inspections. The agency would be responsible for responding to complaints of suspected inaccurate measure and would audit the performance of authorized service providers. If enforcement actions are required, only Measurement Canada's inspectors — and not authorized service providers — would assume the responsibility.

Honourable senators, permit me to outline how enforcement tools proposed in the bill before us would improve upon the Weights and Measures Act and Electricity and Gas Inspection Act not only by providing sharper teeth in dealing with serious offences, but also by providing more flexibility to administer lighter penalties when appropriate.

Some of the measurement infractions may be the result of deliberate and malicious tampering, while others are merely the effect of wear and tear on the measuring device. One system of punishment does not fit both situations, but, under the current acts, prosecution is the only means available to levy fines for noncompliance.

Honourable senators, the bill before us provides greater flexibility to promote compliance and, where appropriate, penalizes those who do not play by the rules. The bill will increase penalties for offences under both acts. The fines that are currently up to \$1,000 for minor offences will be increased to \$10,000 on summary conviction. They will be doubled from \$25,000 to \$50,000 for indictable offences and could include imprisonment of up to two years. These penalties will not be regarded simply as a cost of doing business. They will serve as a deterrent against measurement inaccuracy in the marketplace. They are in line with those that other industrialized countries impose for inaccurate measurement and send a clear signal that Canada maintains the integrity of its marketplace.

What about lesser infractions? The bill before us would enable Measurement Canada to issue administrative monetary penalties, or AMPs, that will not exceed \$2,000. These will be applied using a graduated enforcement strategy. Honourable senators will appreciate that an AMP-based regime will enable Measurement Canada to tailor penalties to the degree of the severity of the infraction, which we cannot do now. Through AMPs, Measurement Canada has a tool to ensure that the rules send a signal to others as to what they can expect if they act in a similar manner.

AMPs are currently used by departments and agencies such as Transport Canada, the Canadian Food Inspection Agency and the Competition Bureau. The strength of an AMPs regime comes from its ability to make the penalty fit the infraction and will be a useful tool to promote compliance and accuracy in the marketplace.

Honourable senators, I also observe that the bill provides for a due diligence defence in the case of certain offences where persons can demonstrate they have taken reasonable measures to prevent the offence.

Finally, I remind the chamber that the bill before us has gone through considerable study and consensus building. As honourable senators may recall, Industry Canada announced a legislative review of the Weights and Measures Act and the Electricity and Gas Inspection Act in its 2006-07 *Report on Plans and Priorities*.

In 2006, Measurement Canada began consultations on a broad range of reforms. One recurring theme in those consultations was the need for mandatory inspection frequencies. The bill was further fine-tuned in the other place and has been studied by our own committee. It will also be subject to a statutory review five years after it receives Royal Assent.

For the Canadian consumer, the bill will mean better protection against unfair retailer practices and confidence that their financial transactions based on measurement will be accurate. For retailers, the bill will level the playing field by making business more accountable for measurement accuracy. The introduction of mandatory inspection frequencies, every one to five years depending on the trade sector, may result in minor additional costs, but the soundness and integrity of the marketplace outweighs these minor costs.

Some honourable senators have recommended that the nickname for this act, the Fairness at the Pumps Act, is inappropriate. On the contrary, I find it to be very appropriate — especially in these days of severe price volatility at the pumps due to the turmoil among North African and Middle East countries. How long will this volatility last? We do not know. How high will the price of gas go? We do not know. The one thing we do know is that, with this bill, Canadians can be confident that they will get what they pay for.

If honourable senators are like me, you always have the uneasy feeling when you leave the pumps that maybe you did not get everything you should have or, perhaps, too much. After all, contrary to almost everything else one buys, one cannot check the quantity oneself. For consumers, this is the most important aspect

of bill. This bill, brilliantly timed by the government, not only eliminates the worry for gasoline consumers and reassures them that they will get what they pay for, but also insulates the retailers from criticism at a time when their customers are likely to pay more at the pumps.

I urge honourable senators to join me in supporting this bill.

**Hon. Céline Hervieux-Payette:** Honourable senators, I wonder if the honourable senator could tell me, in order to have that great fairness, would he recommend to our government that it does what other governments have done, namely, control the price of oil? Since we are a producer, why do we have to pay so much on the international market when some countries who are producers are giving a much better price to their own populations?

**Senator Greene:** I did not quite understand the full import of the question. Will the honourable senator repeat it, please?

**Senator Hervieux-Payette:** Yes. The honourable senator talked about having fairness at the pump, which, he thinks, reflects the spirit of the bill. Would the honourable senator be willing to respect not only the letter of the bill, but also the reality that his government could introduce fairness at the pump with a Canadian-made price for oil since we are an oil-producing country? Would the honourable senator support that?

**Senator Greene:** No, I would not, honourable senators. We do not believe in a national energy program on this side of the aisle. We believe in the marketplace.

[Translation]

**Hon. Fernand Robichaud:** Can the honourable senator assure us that when we buy gas, a litre is the same unit of measure in New Brunswick or Quebec or any other province? The prices are completely different from one province to another.

[English]

**Senator Greene:** The prices do vary, honourable senators, but there are three reasons for that. First, provincial taxes differ. Second, there are local competitive prices, and, third, there is the location of refineries. On the East Coast, a lot of our oil comes from overseas. That is not necessarily the case in the rest of Canada.

[Translation]

**Senator Robichaud:** I believe the honourable senator did not understand my question, but I accept his answer.

• (1530)

[English]

**Hon. Mac Harb:** Honourable senators, Bill C-14 is the culmination of a great deal of work carried out over several years by Measurement Canada. As was stated earlier, the legislation updates provisions of the Electricity and Gas Inspection Act and the Weights and Measures Act to provide greater protection for consumers. The bill will impose mandatory inspection frequencies common to many Western nations. It is supported in principle by consumer and retail groups consulted by Measurement Canada.



The honourable senators on this side and I are committed to consumer protection and agree that ensuring trade accuracy is a good goal. The issue of inaccurate pumps or scales deserve attention. Canadians should get what they pay for.

I commend the department for its thorough consultation with stakeholders and for presenting Parliament with legislation that will increase the accountability of retailers and provide officials with a more effective means to enforce compliance. Perhaps, it would have been good if these same officials had been in charge of choosing the short title for the bill. Unfortunately, that decision was apparently left up to the minister.

Although we have before us a bill that covers a wide array of consumer sectors, from logging to dairy and from retail food to electricity, each with varying rates of compliance to accuracy standards, and although the retail gas sector has the highest compliance rates, for some reason, the short title of the bill is "Fairness at the Pumps Act." By making this choice, the minister and his government have delivered a grave disservice to these hard-working departmental officials and industry stakeholders. The government has chosen to play politics, selecting an inflammatory and misleading short title that diminishes and takes away from what otherwise is legitimate and well-intentioned legislation.

When Mike Lake, Parliamentary Secretary to the Minister of Industry, was asked about this provocative title, he told our Senate committee:

We are trying to strike the issue of fairness to consumers, across all eight sectors, but the name of the bill reflects one example that any Canadian who has to buy gas understands.

That is the rationale, yet the retail gasoline sector has the highest level of compliance of all, at over 91 per cent. In 2007, the compliance rate in this sector was 97 per cent.

We have discussed previously in this house how the quarries and sandpit industry had a 47-per-cent accuracy rate. Why was this bill not called "Accuracy at the Quarries and Sandpit Act"?

The electricity industry, which dramatically influences monthly budgets for Canadians, has a compliance rate of over 74 per cent. Why do we not call it "Fairness at the Electricity Meters Act"? However, it is called "Fairness at the Pumps Act."

This title has caused real hardship, smearing the reputation of a large sector of Canada's retail community. As representatives from the Canadian Independent Petroleum Marketers Association told the committee, 72 per cent of Canada's 13,000 gasoline stations are run by individuals. Gas stations are privately owned small businesses. Those businesses are concerned.

Ian Wilson, President of Wilsons Fuel Company Limited., an independent fuel marketer in Atlantic Canada, said: "Our concern is that the government is using the short name for political gain on the backs of small- and medium-sized enterprises like Wilsons Fuel."

How has the government profited from politicizing what should have been a non-contentious, administrative bill? Many honourable senators have seen the "householder" that has already been distributed in a Conservative riding. This householder shows an irate consumer, arms folded across his chest, beside the headline:

Faulty gas pumps cost Canadian consumers millions of dollars every year. That's not right. Our Conservative government is taking action to protect Canadian consumers. That's why we introduced the Fairness at the Pumps Act.

How terrible, misleading, unfair and inappropriate it is to distribute householders like these for political partisanship — nothing more, nothing else.

Remember those headlines that appeared in the media in response to the tabling of this act. "Feds tackle gas gougers," *The Chronicle-Herald* in Halifax wrote on the front page. A headline in the *Vancouver Sun* read "Proposed law aims to stop rip-offs at the gas pumps." The last one is from the *Edmonton Journal*: "Ottawa vows stiff fines for hikes at pumps."

Do these headlines make any sense to honourable senators? They do not make any sense to the 13,000 oil and gas retailers across the country. Those small- and medium-sized businesses felt cheated and mistreated, and they felt they were targeted and singled out of all the different sectors that this bill addresses and deals with.

This government-driven rhetoric insinuates that retailers are somehow out to gouge the consumer, and it conjures up images of small-business owners out with a wrench and a flashlight at night, purposely skewing the pumps to rip off consumers. That is simply not the case; that is simply not true.

Honourable senators, these devices are high-tech and sophisticated. In the odd case, these devices fail, often in favour of consumers, though sometimes in favour of retailers. Due to the volume of liquid that goes through the pumps, there are sometimes small inaccuracies, yet the sector is still the best sector for measurement of all eight sectors this bill deals with.

We understand that more and more electronic pumps are being installed, and these pumps increase accuracy and compliance to even higher levels. Retailers are as interested in accuracy as consumers are. It is in their interest to know how much gasoline they are purchasing and how much they are selling.

Over the past 30 years, Industry Canada has charged only one or two retailers for non-compliance. Industry records show that not a single gasoline retailer has ever been convicted of an offence under the Weights and Measures Act. Do honourable senators agree that is a good, clean record? Honourable senators on the other side do not think so, unfortunately.

I hope that we will play our role here, in this chamber of sober second thought, and do the right thing.

In short, this industry should not be singled out for abuse and embarrassment by this government. Independent gas retailers have made repeated attempts to explain to the government that they feel they are being targeted, and accused of cheating Canadians. Attempt after attempt by concerned members of the opposition to alter or delete the short title has failed on the other side and in committee. Why do we have the stubborn refusal to change a misleading and damaging short title?

• (1540)

The bill in no way protects consumers from high gas prices. It does not address the issue of competition in the retail gas sector. The increased inspections will result in increased costs, and there is a real concern that these costs will add to the cost of gas for consumers. Again, this short title also misleads Canadians who read “Fairness at the Pumps Act” and conclude that these concerns are being addressed. They are not.

When we asked Mr. Lake during his appearance at the committee to explain the title to us, he said:

When you consider naming a bill, some can have names that do not mean anything and do not mean anything to Canadians who are trying to make sense of what the bill is about. Using a title like Fairness at the Pumps gives an example of a situation that Canadians realize is not always fair.

Choosing a name that makes the government look like it is taking action, but that is misleading and misrepresentative of the truth, is not doing Canadians any favours. I think it is an insult to Canadians’ intelligence. It is an insult to this house and it is an insult to the other place.

We are all in support of fairness, but we are seeing little of it in this government’s blatantly unfair and self-serving attack on the gasoline retail sector.

In summary, this bill is generally a well-conceived one that most stakeholders agree with in principle. There are concerns about the lack of details, given that the regulations have not yet been drafted, but the five-year review process provided for by the Liberal amendment will prove critical to ensure Canadians get what they pay for with this legislation.

What is regrettable, and perhaps irreparable, is the damage that has been done to one of Canada’s premier retail sectors as a result of the political opportunism shown by the government in its selection and support of such an ill-conceived short title.

The industry is calling on government to do the right thing. Witness after witness asked us to amend the short title, and I think we are well advised to listen.

#### MOTION IN AMENDMENT

**Hon. Mac Harb:** I therefore propose an amendment to this legislation, an amendment to change the short title to the following:

“Fairness in Weights and Measures Act.”

Clarity and transparency, which is important to at least some of us in this place, will be well served by this amendment. It is more honest, more descriptive of the actual purpose and intent of the legislation, and it does not single out unfairly a single industry that has led the way in promoting and maintaining accuracy in its dealings with consumers.

The government cannot hide its lack of real solutions to the cost of gas in this country behind a blatantly false short title of a bill that deals with accuracy in weights and measures.

The amendment is a simple change. It is a simple change that is important for my colleagues in this house to make, to send a signal to the other house that we are performing our job here on the Senate side — on both sides of the house, opposition and government. We need to tell the government in the House of Commons that it is not fair to have titles that are not even mentioned in any part of the bill anywhere, except in the title — there is absolutely no mention anywhere in the bill about fairness at the pumps, except in the short title. That title is not fair. That is why I hope you will support this amendment.

**The Hon. the Speaker:** Honourable senators, the honourable Senator Harb moves, seconded by the honourable Senator Merchant, that the bill not be read a third time, but that it be amended by replacing the short title with the following:

“Fairness in Weights and Measures Act.”

On debate, Senator Comeau.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Given that this is a chamber of sober second thought, I think it is well worth our while to evaluate the amendment as proposed by the honourable senator. At first blush, I have little sympathy for the amendment, but it is worth our while to at least consider it overnight, so I move the adjournment of the debate.

(On motion of Senator Comeau, debate adjourned.)

### CRIMINAL CODE NATIONAL DEFENCE ACT

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Meredith, for the second reading of Bill C-48, An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act.

**Hon. George Baker:** Honourable senators, I want to say a few words. I think that it would do us well to have the bill proceed to the committee for extensive examination.

We are not like the House of Commons — we have seen this happen with many bills over the years — where they introduce a bill, then a couple of days later they move a motion that it be deemed to have been read a second time, deemed to have been



sent to a committee, deemed to have been reported and then deemed to have been read a third time. That approach has been taken many times.

The Senate does not take that approach. Consequently, when honourable senators look at all our case law in Canada — all the decisions of the quasi-judicial bodies, federally and provincially, as I have referenced before — they see the Senate mentioned, of recent, three times the number of times that the House of Commons is mentioned, as far as legislation is concerned.

Only last week, the Supreme Court of Canada, in *R. v. Ahmad*, 2011, SCC 6, said at paragraph 68:

Parliament's understanding of the respective roles of judges conducting criminal trials and Federal Court judges is perhaps best understood by reference to the following exchange made before the Special Senate Committee on the Subject Matter of Bill C-36 . . .

Then, the court goes on to quote the exchanges that took place in that Senate committee. That was only last week, by the Supreme Court of Canada.

Senator Stratton is sitting in his place today. He has been quoted recently more than any other senator or member of Parliament because of a recent change to the impaired driving provisions. I have mentioned this case before, but the Ontario Court of Justice, Justice Fraser, in another decision — we see these words often now, and there are many cases:

Senator Stratton, speaking as sponsor of the second session Bill C-2 in the Senate, also referred to the purpose of legislation as restricting evidence to the contrary to “scientifically valid defences.”

As Your Honour knows — you were a professor of law and you taught the provisions of section 253 of the Criminal Code — the Senate passed a bill, a government bill, giving a new definition to “evidence to the contrary” — only scientifically approved evidence is now admissible. Of course, each of the judges now blame Senator Stratton; well, they do not blame Senator Stratton, but they have to quote someone. Therefore, they go to the Senate, more often than not. Of course, the fellow being convicted often thinks that Senator Stratton has been responsible for a good many people behind bars of recent.

• (1550)

That is what happens when a body such as the Senate seriously deals with legislation and the committee examines the legislation diligently. It leads to the position the Senate holds — that the House of Commons does not hold — that it is a legislative body and not a political one. New senators should realize that perhaps the most important distinction between the two bodies is that the House of Commons maintains the government's accountability to the people. That is their primary function. Today, it is perhaps their most important function, simply because the Senate has taken over the legislative function of the House of Commons, as is witnessed in our court judgments.

When the judges determine the purpose of the legislation, they first go to the second reading sponsor of the bill in the Senate. With the legislation that is being passed now, in five and ten years'

time, one will see senators' names mentioned and, of course, in introducing legislation, senators have to be careful that they do not give their own opinion of the legislation as much as they are duty-bound to give the government's position — the position of the Department of Justice — of the legislation so that judges can see exactly what the purpose of the legislation was.

This bill was introduced by Senator Lang. Very briefly, I think Senator Lang outlined the purpose on February 10, 2011, as follows:

It would authorize a judge to order that convicted multiple murderers could serve separate, 25-year periods of parole ineligibility to account for the second and each subsequent victim of their crimes. Most importantly, these additional 25-year periods would run consecutively to the period of parole ineligibility imposed for the first murder.

That tells us that if one takes any of the recent examples, such as the Bernardo case or the Colonel Williams case, where two murders were involved, each of them received a life sentence with ineligibility for parole for 25 years. The logic of that over the years in our system of justice has been that one can only serve one life term of anything; one does not have two lives.

This bill will give the discretion to a trial judge to say, “For the first murder, life imprisonment, no chance for parole for 25 years, first degree; and, for the second murder, another 25 years of parole ineligibility.” It would then become 50 years.

If these murders had taken place after the passage of this bill, according to this legislation, the judge would be duty-bound under the Criminal Code to consider that and to report reasons for not imposing the second life term with the second 25-year period of ineligibility. In substance, as Senator Lang outlined it, that is what this bill does.

In the Pickton case, there were six murders, so one would multiply the possibility, because they were second degree convictions, with the first being 10 years but each subsequent one being 25 years added on.

In the case of Clifford Olson, Senator Lang referenced that particular case and said:

In these cases, judges will have the new power to effectively eliminate the need for victimized families to suffer through a series of parole applications that too often do little more than stir up painful memories.

Senator Lang rightfully also referenced the fact that this bill was introduced 10 years ago by a Liberal member of Parliament who is still a member of Parliament and that it was in fact passed by the House of Commons but did not pass the Senate at that time.

What Senator Lang is saying is that, currently, a person who is convicted and receives a life sentence, when the 25 years are up, the parole hearing takes place and every two years thereafter, that person has the right under the law to a parole hearing.

We know there is no chance of parole. Clifford Olson's first words at each one of his parole hearings was, "You would have to be crazy to release me," yet he commands this attention and subjects the families of the victims to this every single two years.

Honourable senators, Senator Lang has suggested — and I think Senator Boisvenu has done considerable work on this subject, as well — that this legislation would certainly address that problem. However, this bill applies only to murders that take place after the passage of this bill. That, perhaps, is the first area that will be examined by the Senate committee. Why would it not apply to murders that have taken place prior to the passage of this legislation but a determination not made and not tried until after the passage of the legislation?

I think the witnesses that we will hear from will make a big point of the fact that the judge is restricted in his discretion to add on only 25-year periods. In other words, a judge cannot say, "It is 25 years for the first murder, 10 years for the second one, and 5 years for the next one." No, that discretion is not there. The discretion is only there to consider 25 years added on to the first murder conviction. That would perhaps be the first criticism of the legislation itself from the Criminal Lawyers' Association, and I am sure Your Honour would agree.

Senator Lang also made reference to the fact that the companion piece of legislation, Bill S-6, the proposed Serious Time for the Most Serious Crime Act, will effectively repeal the faint hope regime for all future murderers. That is something else that I am sure will be visited by witnesses before the committee.

As some honourable senators will recall, Canada passed the law to do away with the death penalty in 1976. I was a member of Parliament at that time. I recall the legislation clearly. The provision passed said that for first degree murder there was a 25-year term of parole ineligibility. The term of 25 years was the recommendation of the Canadian Police Association, as I recall. At that time, it was selected to stand out as being what some people would call harsh. In order to get the legislation passed, there had to be those "harsh provisions." Thereby, it raises, perhaps, a question that will come up to the committee that was not raised in the House of Commons. None of these issues was raised in the House of Commons, but an issue that may come up is the constitutionality of the provision.

• (1600)

As honourable senators will recall, the case was *Luxton*, Supreme Court of Canada, regarding the 25-year ineligibility for parole provision, where the case was being tried on whether it was a violation of section 12, cruel and unusual punishment. The Supreme Court of Canada ruled that 25 years was not cruel and unusual because of the faint hope provision. I am not suggesting that I think that will happen, but perhaps that provision will be raised in committee in the consideration of this bill.

Honourable senators, I believe that Senator Lang did an excellent job of outlining the government's position on the bill, and we should consider it carefully in committee to give it the substance that judges will be looking for.

In conclusion, honourable senators, in the other place right now, they are debating a provision produced by the NDP that the Senate should be eradicated, dissolved.

Most honourable senators will recall that about two years ago, the House of Commons passed an omnibus bill of 500 pages that did away with the tax credit for the Canadian film industry but left the tax credit for the American film industry. Do honourable senators remember? The NDP voted for the bill. Then they had a meeting with the film industry and the actors' guild, and the NDP gave us their explanation. They did not read the bill. They missed nine pages in the bill. However, they said, "To correct our mistake, we are asking the Senate to make sure that that bill does not pass."

What a mistake. Granted, it was a 500-page bill, but it was a new subject. I looked at it and wondered how they could miss nine pages. It did go to a committee, but they passed it in five motions, 100 pages at a time: "Shall clauses 1 to 100 pass?" "Yes." "Shall clauses 200 to 300 pass?" "Yes." That is how it was passed, and that is how they missed the nine pages.

Honourable senators, the NDP came to members of the committee individually, asked them to stop the bill, and said publicly that they were calling on the Senate to stop the bill. Well, the Senate did stop the bill. We did not pass the bill, and it was never reintroduced.

Only three months later, the Senate was called upon to address a bill that changed the Elections Act. That legislation would have released the names, addresses and birth dates of all voters in Canada. Again, the House of Commons said it did not realize what it was doing, and the NDP called on the Senate again to correct the legislation. The Senate corrected the legislation, sent it back to the House of Commons, and the House of Commons approved of our change.

Honourable senators, in answer to the NDP's motion today in the House of Commons, we should say that if the NDP is suggesting the eradication of the Senate, then they must assure Canadians that in the future the NDP will read the legislation they vote for.

**Some Hon. Senators:** Hear, hear!

**The Hon. the Speaker *pro tempore*:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

**The Hon. the Speaker *pro tempore*:** Honourable senators, when shall this bill be read a third time?

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)



## IMMIGRATION AND REFUGEE PROTECTION ACT

## BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Eaton, seconded by the Honourable Senator Rivard, for the second reading of Bill C-35, An Act to amend the Immigration and Refugee Protection Act.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak on Bill C-35, An Act to amend the Immigration and Refugee Protection Act.

Immigration to our great country has always been a bedrock of our society. Canada, throughout its history, has always served as a global leader in attracting immigrants from all over the world. This trend not only continues today but also is even more evident than ever before. People come here because they want a new beginning. They want to create a new life, not only for themselves but, more importantly, for their children. They want to come to a place where, with hard work and dedication, their potential can be limitless. Canada is a place that can make this dream a reality. I understand this process personally because I came to this country as a refugee with my family nearly 30 years ago.

My husband and I left everything behind and came here because we wanted to give our children a better life. So many other people are prepared to do the same and to use the appropriate word of my colleague, Justin Trudeau; it is “disheartening,” that some individuals out there exploit for personal profit the dream of immigrants and refugees of becoming Canadian.

As Bill C-35 has highlighted and now intends to rectify, a flaw in our immigration framework that has allowed unofficial immigration consultants to defraud vulnerable would-be Canadians of their hard-earned finances by portraying themselves as being able to help with attaining citizenship when, in fact, they cannot.

Through the problematic process of charging those who want to become Canadians with consulting and representation fees and not delivering tangible results, these crooked consultants have for much too long been able to swindle innocent individuals and families.

Honourable senators, as highlighted in the House of Commons Standing Committee on Citizenship and Immigration and by the Honourable Senator Eaton, sponsor of the bill in this place, the use of unofficial immigration consultants or “ghost consultants” is a prevalent practice in our immigration framework. The operations and actions of these defrauders has a negative impact on not only those innocent individuals and families they manipulate and hurt but also affects our Canadian society as a whole. It gives our great country a bad reputation in the global immigration framework, and this reputation dissuades people from wanting to immigrate here. This situation is unacceptable because we are a country that has always been, and continues to be, welcoming of the world and its people.

• (1610)

These “ghost consultants” who, for too long, have operated in an illegal, unethical and dishonest manner, have found loopholes in our immigration system that have allowed them to continue their manipulative practices. They have gone unchallenged for too long. Without any proper regulation and punishment of said consultants, we are facilitating their actions. Bill C-35 will attempt to stop this facilitation.

This bill will change the immigration framework so that only authorized immigration representatives are allowed to provide consulting services to would-be Canadians. This bill means that only those lawyers, notaries and authorized consultants who are members in good standing of a governing body authorized by the Minister of Citizenship, Immigration and Multiculturalism may provide advice or representation at any stage of a proceeding or application.

Those who are found to be operating as an unregistered immigration consultant by said governing body will be punished with financial penalty and jail time under this bill. Bill C-35 creates not only a framework of regulation and accountability but also punishment when necessary in terms of immigration consulting services. This bill is exactly what is needed at this moment.

Honourable senators, I have worked in the field of immigration for over 30 years. Throughout this time, I have worked closely with refugees, many of whom have been women.

I can give honourable senators numerous examples of how people's lives have been completely destroyed as a result of not receiving qualified representation from immigration consultants.

A case that stands out in my mind is one that involves a Jordanian woman who, for the purposes today, I will refer to as Fatima — that is not her real name. Fatima was the victim of shoddy work by an immigration consultant. When I first met Fatima, my heart broke. Tears streamed down her face. Her entire body was trembling, and it was extremely clear that she had been physically abused. She had scars all over her face and arms.

It took many meetings with her to piece together why she had fled Jordan, leaving her two daughters behind. Soon I learned that Fatima was not only a teacher who worked long hours at a prestigious private school, she was also a proud mother of two teenaged daughters.

Unfortunately, her husband and his family suspected she was having an affair. Believing that Fatima had stained their entire family's reputation, they attempted to kill her. She was the victim of an attempted honour killing. Although they were unsuccessful in their attempt, Fatima still was forced to spend several months in the hospital. During this time, with the help of her friends and family, she found a way to escape to Canada, upon her release from the hospital.

Once she arrived here in Canada, however, she lost her refugee case because the immigration consultant representing her was not adequately learned in immigration law to represent her.

Honourable senators, in our country, the refugee and immigration convention defines a refugee as a person who fears persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion.

Although Fatima was not seeking refuge for one of the reasons listed in the convention, she would still be considered under the Canadian gender guidelines, which were specifically designed for cases like the one I have described. Unfortunately, the immigration consultant representing her was unfamiliar with the gender guidelines and therefore was unable to represent her case appropriately.

Finally, after a six-year battle, she was allowed to stay in this country. I will never forget the day I told her that she would be allowed to call Canada her home. She was overwhelmed with happiness and once again, tears streamed down her face, except this time they were tears of joy. Although we cannot remove her physical scars, we can provide her with a better life.

Honourable senators, our country gave Fatima a second chance, and welcomed her and her daughters with open arms, affording them with the rights and opportunities granted to all Canadians. Although we may not be able to change her past, we have made sure that this woman and her daughters have a brighter future. For this future, I am certain that she will be eternally grateful to Canada.

The unfortunate reality is that there are many people out there like Fatima, people who have been emotionally and physically victimized and have been robbed of everything they own. This is why it is of great importance that people who are fleeing persecution have access to consultants who can provide adequate and sufficient representation.

Fatima's case should have been resolved in one year. Instead, it took six years. A woman who had already lost everything was taken advantage of by an immigration consultant who was unable to do his job.

I believe that Bill C-35 will ensure that consultants like the one who represented Fatima can no longer prey on victims in vulnerable situations. I have highlighted one story, but there are thousands more. I am sure all honourable senators know of other examples that are equally unjust.

Honourable senators, I have been following the developments of this bill since it was first introduced in the house by the Honourable Minister of Citizenship and Immigration, Jason Kenny. Not only am I pleased with its content, but I am equally pleased that this bill is the product of the joint work of all parties. The passing of this bill is something all parties can take credit for. As we all know, there are times when many of us must differ in terms of ideology on certain issues, and this is acceptable. However, there are also times when we must work together so as to have the greatest effect for change for the most vulnerable.

Honourable senators, Canada as a nation can be proud of its status in the international framework. Canada is a place many people from around the world yearn to be a part of one day, and a place many are privileged to call their home. My family and I chose to come to this great country, Canada, because we knew it

would offer to us what no other country could, a place where we would be allowed not only to hold on to our traditions, culture and way of life, but also a place that would provide us with basic dignity, rights and freedoms.

Canada still offers this dream to many people. While some are privileged to one day attain it, many are taken advantage of for this same aspiration. Bill C-35 is the solution to this plagued practice as it will establish a framework that will regulate the immigration consulting process effectively. This bill will help truly the most vulnerable. I urge all honourable senators to support this bill.

**The Hon. the Speaker *pro tempore*:** I must advise honourable senators that if Senator Eaton speaks now, it will have the effect of closing debate on this matter.

**Hon. Nicole Eaton:** Honourable senators, it is a wonderful bill. Thank you for your support. I move second reading of this bill.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

**The Hon. the Speaker *pro tempore*:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Eaton, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

[Translation]

## SELECTION OF SENATORS BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Brown, seconded by the Honourable Senator Runciman, for the second reading of Bill S-8, An Act respecting the selection of senators.

**Hon. Andrée Champagne:** Honourable senators, some people are giving all senators a very bad reputation.

We are accused of being old political hacks who were offered this prestigious appointment in return for services rendered to one of the two main political parties. Most importantly, people think we are overpaid to do nothing.

• (1620)

I cannot remember which one of our predecessors was caught dozing off during a sitting. It was surely the result of too much work to do or a bit too much to eat at lunch. These are things that can happen to anyone, anywhere. The photo made the rounds across the country and continues to sully our reputation and



diminish the meaning of our work and the long hours that we spend preparing to fulfil our responsibilities in the Senate and on the various committees to which we are assigned.

I once offered to let a journalist follow me around for a typical week at work. I was turned down, which is not surprising. In addition to the hours we sit, who else would want to subject oneself to the amount of research, reading and writing that fills our days, our evenings and even our nights. One has to love this work to take it on with such enthusiasm and patience. And now our legitimacy is being called into question because we are not elected by the people in the provinces we represent.

I have to admit that I am very reluctant to support what is being proposed in Bill S-8. All the issues this raises . . .

A few months ago, a bill to limit the number of years served by a senator in the upper chamber was defeated in the other place, which we do not even dare call by name. A term of office of 6, 8, or even 12 years was proposed.

I agree with Senator Nolin who says that we do not automatically become effective senators the day that we are sworn in. It takes time just to learn the very special procedures of this place. I had to forget a great deal of what I learned in my nine years as an MP and almost seven years spent in the big green chair in the other place.

Since arriving in the Senate, how many times have I checked with our clerks when the procedure was the opposite of what I had enforced at the other end of the hallway? I will take this opportunity to thank them for their patience and their clear explanations. I spent dozens of hours rereading and trying to learn the contents of our little red book, which is found in all our offices.

It has been proposed that a duly elected senator could only serve for six years. That is a very short time in which to acquire the knowledge and wisdom needed to make the best decisions for Canadians.

One of the things I am wondering about is this. After six years, could the senator ask that his term be renewed for another six years? If I am not mistaken, Senator Brown has been elected more than once in his native Alberta. An affirmative answer leads to another question. When the Senate was created, Quebec was already doing things its own way — this has not changed and I am not telling you anything new. The Fathers of Confederation, concerned that the senators chosen and appointed would all be from Montreal and Quebec City and would neglect the welfare of remote regions, established senatorial districts in Quebec. Each and every one of us from this province represents a Quebec region. I was assigned the region of Grandville, which is located in the Lower Saint Lawrence and stretches from the river to the U.S. border, far from Montérégie where I have lived since my birth and where I have owned property since the 1960s.

In 2005, I received a call from Prime Minister Paul Martin asking if I would be interested in becoming your colleague. That was in mid-July, close to my birthday, and I will admit that it was a very much appreciated gift. A few days later, I received by courier or fax a map of the region that I was going to be asked to represent and where I had to own property.

In July, throughout Quebec, the bell rings for what we call the “construction holiday.” Needless to say, real estate agents take that opportunity to go away as well. How could I find a little piece of land more than 500 kilometres from my home without tipping anyone off, without the entire province knowing that I was being appointed to the Senate of Canada? I was warned that keeping this a secret was as important as becoming a landowner. I even hid the news from my father, who is in his 90s, until a few days before the swearing-in ceremony. It was no small feat, especially with phone calls from Ottawa every morning to find out whether the transaction had been completed.

Let us come back to Bill S-8. Should a senator representing a district in Quebec be elected by residents of the designated region during municipal elections or by Quebecers from every corner of the province during a provincial election? And if the senator wanted to seek a second term, whom would he or she ask?

If senators from Quebec are to be elected during municipal elections, they will have to campaign in the assigned region. My region is a five or six hour drive from my home. Should I go there every weekend and try my best to do what MPs currently do, and travel throughout the region, getting to know the mayors and all the municipalities and familiarizing myself with their concerns?

In the Senate, we have enough time to conduct thorough reviews of bills and to prepare amendments, if necessary. Anyone who was the member of Parliament for an urban and rural riding for nine years knows full well, through experience, the tremendous amount of time it takes to properly cover a riding — without ever satisfying everyone. Who among us would be prepared to do that before hoping to become a senator or seeking a second term six years later?

The other proposal is that the list the provincial premiers would submit to the Prime Minister of Canada would be subject to a vote in the National Assembly of Quebec or the other provincial legislatures. The Premier of Quebec has said he wants to wash his hands of the matter, that this is the prerogative and duty of the Prime Minister of Canada. However, if — God forbid — there is a change in government in Quebec, what is to say that another government would see things the same way?

Some claim that our Senate is already too partisan. The vast majority of us represent one of the two established parties. Nonetheless, we all share a great ideology: we believe in Canada with all its provinces and all its territories.

Senator Brown's proposal opens the door to independence-seeking senators, who, like their PQ and Bloc Québécois colleagues, would dream only of ripping our country apart. Senator Brown pointed out that, if need be, the Prime Minister of Canada could simply choose someone else from the list submitted by the province. In my opinion, that poses another problem. If the final decision is not subject to the strict results of a vote, why should we even bother with a vote, which would be costly for whoever is in charge of organizing it and would only cause us to squabble even more?

As some of our colleagues have pointed out, would senators elected in that manner properly represent the interests of the various regions and the Aboriginal peoples? Would such an

election ensure that as many women are included? Look at the small percentage of women elected to the other place and the number of women senators in this chamber and the response is very clear.

If senators were elected by the luck of the draw, would we find such a variety of skills and life experiences in such wide-ranging, yet specialized, domains?

Those are some of the questions I continue to ask myself regarding Bill S-8. Perhaps I will find some answers to my questions and some of my fears will be allayed before we proceed to a vote. There is also the question of how the elected members in the other place will react to such a bill.

Many members have yet to grasp the importance and significance of our work.

• (1630)

Although they sometimes agree with our suggestions or proposed amendments, they do not really appreciate the fact that we can always give their decisions one last and wiser look. They would rather we disappear, regardless of what it says in our Constitution, a document that some of them have never even bothered to read.

Contrary to the allegations of some, our Senate is not dysfunctional. Far from it. What are the actual symptoms of this illness with which some believe we are stricken?

Finally, what illness does Bill S-8 propose a cure for? A condition that no one seems to be able to specifically describe? Are we sure that a dose of electoral medicine will not do more harm than good?

For one thing, nothing and no one has yet to convince me that there is any need, a century and a half later, to start over from scratch, when the current system is still working very well. After second reading, will a thorough review by one of our committees find answers to my questions? I am keeping an open mind and will continue to listen with great interest to what you, honourable senators, have to say about it.

**Hon. Joan Fraser:** Will Senator Champagne take a question?

**Senator Champagne:** Of course.

**Senator Fraser:** First, I would like to commend the honourable senator on the questions she has raised, which are among the most important questions we have to answer on this topic.

I would like to ask Senator Champagne to take note of the information I am about to give. She spoke earlier of a senator who one day was photographed sleeping on the benches of the Senate. She said that perhaps he had worked too hard or had eaten too much for lunch. I knew that senator. He adored the Senate. He had the utmost respect for the Senate.

At that time, his wife was very ill. She passed away several months later. He spent his nights taking care of her and then he came here to try to do his job. That is why he was tired. It was not because he had too much to eat for lunch.

**Senator Champagne:** Thank you for enlightening me. I had a fleeting image in my mind but I could not remember who that was. I do, however, remember that many people said afterward that senators did no work and were even falling asleep on the job.

That is why I said I thought it was very unfair because all of us work very long hours to do the work we are asked to do as best we can.

I mentioned this little incident because of all those who always are under the impression that we are paid to do nothing and that we do not work. I do not know who took the photograph because a photographer must have permission to enter the Senate. However, that day, someone took a photograph and gave it to some people who obviously were not fond of senators or the work that is done in the Senate.

**Hon. Claude Carignan:** Honourable senators, I am pleased to speak today to Bill S-8, an act to change the selection process for senators.

With each new appointment to the Senate, the debate about abolishing or reforming it resurfaces for a few days and then fades away.

With a minority government in the House of Commons and a government majority in the Senate, debate about the legitimacy of the institution is likely to occur every time there is a Senate vote that goes against that of the duly elected members of Parliament.

Honourable senators, after more than a year in the Senate, I am more convinced than ever of the need for reform of the appointment process and the length of terms. Although some believe that abolishing the Senate is a valid option, it would have disastrous effects for all regions of Canada, especially Quebec.

A number of federal states in the world, approximately 80 countries, have a bicameral legislature with a lower chamber — our House of Commons — with representation by population, and an upper chamber — our Senate — with regional representation.

In Canada, Quebec has 24 out of a total of 105 senators. Except for the Supreme Court, the Senate is the only federal institution where Quebec's representation is guaranteed by the Constitution, no matter what its population.

By 2036, the population of the rest of Canada will increase proportionally and more significantly than that of Quebec. Thus, the relative weight of Quebec in the House of Commons may be significantly reduced by the application of the constitutional principle of representation based on population. The number of senators will not change. In 1865, George Brown, then the Liberal leader of Upper Canada, stated:

But the very essence of our compact is that the union shall be federal and not legislative. Our Lower Canada friends have agreed to give us representation by population in the Lower House, on the express condition that they shall have equality in the Upper House. On no other condition could we have advanced a step; and, for my part, I am quite willing they should have it.



At that is why, honourable senators, Quebec feels it is so important to have a long-term vision, to legitimize senators and base their selection on provincial concerns.

[English]

While abolishing the Senate would be an obvious mistake for the province of Quebec, the need for in-depth reforms to this institution is clear. In fact, it is surprising to note that even today Canada is one of the federal states, along with Bahrain, Jordan, Oman and Yemen, which form the limited group of countries where a single individual is responsible for selecting senators.

[Translation]

Prime Minister Stephen Harper rightfully hopes to democratize and modernize the Senate and, in this spirit, has introduced two bills, including Bill C-10, which aims to limit Senate terms to eight years. A second bill, Bill S-8, aims to have Senate nominees elected in provincial elections. These nominees would effectively be affiliated with provincial parties.

[English]

In so doing, the Prime Minister is using an old claim from Lower Canada predating the passage of the British North America Act, 1867. At the time, members of the legislative council of Lower Canada were elected, following a system in place since 1856.

[Translation]

In 1865, member Jean-Baptiste Dorion made a statement in support of reforming the now defunct Legislative Council. And his words still hold true 156 years later. He made the following statement opposing Confederation:

I am opposed to the scheme of Confederation because it takes away from the people of this country political rights which they have won by many years of struggles; among others that of electing its representatives in the Legislative Council, as it does its representatives in the Assembly. Since 1856, we have enjoyed an elective Council. For more than half a century that reform had been asked for. Our claims were urged in the press, in public meetings, in petitions to Parliament and to the home Government, and in the form of direct motions in the House. The Legislative Council, as constituted previous to the Act of 1865, had become highly unpopular; it had also fallen into a state of utter insignificance. By infusing into it the popular element by means of periodical elections, it was galvanised into life and became quite another body in the estimation of the people.

• (1640)

Honourable senators, I find that last sentence so interesting that I want to repeat it:

By infusing into it the popular element by means of periodical elections, it was galvanised into life and became quite another body in the estimation of the people.

And what arguments were there in favour of an unelected Senate? Here are some examples.

[ Senator Carignan ]

Hector Langevin, a minister for Lower Canada, said:

The very nature of the system prevents a large number of men of talent, of men qualified in every respect and worthy to sit in the Legislative Council, from presenting themselves for the suffrages of the electors, in consequence of the trouble, the fatigue and enormous expense resulting from these electoral contests in enormous divisions.

Honourable senators, could we honestly support that position in this day and age?

George-Étienne Cartier was deeply opposed to universal suffrage. In 1850, he was singing the praises of property, saying that he was pleased that the 1840 constitution provided for a lower chamber made up of men who owned property. He declared:

We thus have the guarantee that they shall not act like the Socialists and Radicals of Paris.

In 1865, he said the following, regarding universal suffrage in the United States and its powerlessness:

On the other side of the line the dominant power is the will of the masses, of the populace.

[English]

Honourable senators, we all know the work we accomplish in this chamber is thorough, conscientious and fundamental for a better democracy. What does the public think of our work?

Personally, I think Senate reform proposes to legitimize this institution's existence in the eyes of our fellow Canadians. Indeed, the efficiency of senators and the Senate cannot be altered. However, the Senate's efficiency and role are currently being seriously questioned because of this institution's lack of legitimacy. Both the system and the institution are not aging well at all.

[Translation]

Take for example the dichotomy between the original intention and the effect today, even though it is a separate issue. In 1867, senators were appointed for life, but what was the life expectancy in 1867? In Canada, the data are difficult to obtain, but take for example the data from France. In 1867, life expectancy for a man was 43 years.

Another example: the \$4,000 worth of real property required to qualify us to be senator would today, according to various indexes, be close to \$1 million. Who among us would qualify?

Back to the election model, Mr. Dorion also said, during the Confederation debates, with regard to the legitimacy of the elected Legislative Council:

The electoral system completely restored its prestige, entitled it to the respect of the people, and gave it an importance it did not previously possess.

It took only 10 years, from 1856 to 1865, to give the elected Senate legitimacy and public respect.

Next, with regard to the relevance of the Senate, after studying the history and adoption of our Constitution, I studied part of the modern world. What countries in the world adopt their legislation in a bicameral system? Almost every democratic society has a chamber of sober second thought. Every G8 country, every Commonwealth country and almost every G20 country has a regional chamber of sober second thought. I also noticed that 80 per cent of the other senates are elected in various ways and that senators in those chambers have renewable terms that rarely exceed five years.

Honourable senators, in my research on the world's senates, I was struck to see that our country is on a very short list of countries where senators are appointed by just one person. The rest of this short list: Bahrain, a monarchy; Bosnia-Herzegovina, a republic; Canada, a democracy; Jordan, a monarchy; Lesotho, a monarchy; Oman, a monarchy; Yemen, a republic. We can include the United Kingdom on the list if we do not consider the hereditary lords.

Honourable senators, out of roughly 80 countries with an upper chamber, only eight have senators appointed by just one person. All the other countries have direct or indirect public involvement in the selection of their senators and only two countries appoint senators for such a long period: 75 years and for life; Canada and the United Kingdom.

Furthermore, in that regard, I would invite my Liberal colleagues to draw inspiration from one of their Liberal predecessors, who, during a debate on the existence and nature of the Senate, made the following statement before the House of Commons on April 13, 1874, shortly after the Liberal Party had taken power. Seconded by Liberal MP Edward Blake, Liberal MP David Mills moved:

That the present mode of constituting the Senate is inconsistent with the Federal principle in our system of government, makes the Senate alike independent of the people, and of the Crown, and is in other material respects defective, and our Constitution ought to be so amended as to confer upon each Province the power of selecting its own Senators, and of defining the mode of their election.

Although this proposal was not approved by Parliament or the government, it is interesting to note that, even at that time, the question of the legitimacy of the Senate was being raised.

In that sense, honourable senators, and from a more contemporary perspective, it is interesting to read the comments of the renowned constitutionalist Benoît Pelletier, who wrote:

The Senate suffers from a double deficit. First, it lacks legitimacy, because the senators are not elected, but rather appointed to serve the purpose of the federal prime minister of the day, without consultation with the provincial premiers. Second, it has a representation deficit, because the senators do not represent their home provinces, but rather the political party with which they are affiliated through their appointment.

And what does Professor Pelletier propose to correct the situation? Here is his answer:

If the upper chamber in a federation is supposed to represent the interests of its federated entities, we should turn to those entities to ensure their proper representation. Two formulas are possible: either the federated entities elect the senators, or senators are elected during regional elections based on regional parties, where they exist. The second option presents a better response to the problem of legitimacy than the first option, but both aim to better represent regional interests at the federal level and to translate the political diversity that exists throughout the federation. By adopting the second solution, Canada would be a pioneer and would be demonstrating its real desire to represent regional interests at the federal level.

[English]

Honourable senators, voices in favour of Senate reform have been heard since the establishment of this institution. However, one difference sets apart today's claims: Soon, it a majority of senators will be advocating Senate reform. This intention is illustrated perfectly in Bill S-8. Not only does it reflect several arguments for the need to reform the Senate with a view to achieving greater legitimacy —

**The Hon. the Speaker *pro tempore*:** I regret to inform the honourable senator that his time has expired. Does the honourable senator wish to ask for more time?

**Senator Carignan:** Yes, please.

**Some Hon. Senators:** Five more minutes.

**Senator Carignan:** Honourable senators, Bill S-8 also respects provincial and territorial autonomy as it relates to the selection process of senators, and takes into account their opinion and regional characteristics.

[Translation]

Clause 1 of Bill S-8 set outs the principle of appointing senators from a list provided by the provinces and territories.

• (1650)

And clause 2 sets out the different options that could be chosen by the provinces and territories to elect senators.

I believe that this bill is modern and dynamic and characterized by wisdom and a true desire to respect our different regions and our minorities.

The Senate's lack of legitimacy, in both its method of appointment and the length of senators' terms, hampers our effectiveness. Modern society will no longer tolerate being governed by any type of illegitimate institution. An illegitimate Senate is an ineffective one, even though we try to convince ourselves otherwise.



The debate surrounding Bill S-8 leads me to wonder whether I have set foot in a institution stuck in time, one that is impossible to modernize, or whether I have instead set foot in an institution composed of people who are open to the world, pragmatic, respectful of democracy and willing to modernize in order to maintain their true role of protecting the regions and minorities?

Without this legitimacy, the Senate is at risk of being abolished sooner or later. For minorities, the regions, Quebec and Canada, abolishing the Senate would be a clear mistake and the result of our refusal to face facts. A democracy must be governed by the people and for the people. The people are never wrong, and if for some reason they were, they would be the ones to suffer the consequences.

Honourable senators, I urge you to strongly support Bill S-8.

[English]

**Hon. Art Eggleton:** Will the honourable senator accept a question?

**Senator Carignan:** Yes.

**Senator Eggleton:** In asking this question, I first want to note the comments of Senator Champagne, which brought about some very legitimate questions in dealing with it, particularly about the diversity of this chamber — the various backgrounds represented by the people who sit here, many of whom would not be here in an elected Senate. That would not be the nature of what they would do, but they do make a valuable contribution to the consideration of sober second thought and the development of public policy. I think Senator Champagne has asked some legitimate questions.

However, I am surprised the honourable senator said he thought this was an illegitimate institution. I am surprised he accepted an appointment to it. However, he did note — and this is something I agree with — that it should not be the private purview of one individual to appoint people to this body. The prime minister of the day, whoever that is, is the person who appoints the people to this place, and I agree with him on that.

Is there not a third way, a way that does not involve going to a fully elected body, which would be more like the institution in the United States, where it would become a much more political body as opposed to the kind of diverse entity we have here? That would be to have people recommended by provinces or by a group of peers or eminent persons, or by a combination thereof. Such is the case of appointments to the Supreme Court of Canada, where the vetting has been quite successful in the history of this country. It could even be the Order of Canada, if one likes.

Is there not a third way we could consider to have this institution continue in a very representative way, without it being the appointment of one person?

[Translation]

**Senator Carignan:** With regard to my appointment, I believe that it is an extraordinary privilege to be appointed as a senator by the Prime Minister. However, I am also convinced that it would be just as significant to be elected by 250,000 people.

[Senator Carignan]

I made charts of the various appointment processes used by the 80 senates around the world. Clearly, there are different appointment processes but I believe that the one that is the noblest and the most respectful of modern democracy is election by the inhabitants of the region represented. Perhaps the study in committee could expound upon other ways of making a list of senators, whether it be by nomination or candidate suggestions.

A number of the countries that I named earlier are currently experiencing democratic turmoil. I therefore believe that senators should be chosen using an election process.

(On motion of Senator Cowan, debate adjourned.)

[English]

## CORRECTIONS AND CONDITIONAL RELEASE ACT

### BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Larry W. Smith** moved second reading of Bill C-59, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts.

He said: Honourable senators, I am pleased to support the motion before us today and take part in this debate.

[Translation]

Allow me to take a moment to thank the members of the other house who supported Bill C-59. They are determined to ensure the safety of Canadians and that is why they are doing everything they can to have this bill passed quickly.

[English]

Bill C-59 is about accountability. When an offence is committed, offenders must be held accountable for their crimes. Justice is served when the sentence for the crime is served. Bill C-59 will put an end to accelerated parole review and will repeal sections of the Corrections and Conditional Release Act that governs these provisions.

[Translation]

As a result, all offenders, regardless of the nature of their crimes, will be treated equally when it comes to eligibility for parole.

[English]

Honourable senators, Bill C-59 is a clear-cut and necessary change. Bill C-59 will put an end to a system that makes individuals who commit white collar or non-violent crimes to be eligible for parole sooner than those convicted of violent crimes.

[Translation]

As a result, with regard to the granting of parole, there will no longer be any distinction between those found guilty of non-violent or white collar crimes and those found guilty of violent crimes. All offenders will be assessed based on the same criteria, regardless of their crimes.

[English]

Under the current system, first-time offenders convicted of fraud and other non-violent offences are eligible for day parole after serving only one sixth of their sentence, with full parole after one third of their sentence.

[Translation]

The existing legislation is clear. The Parole Board of Canada must release a non-violent offender into the community under supervision unless it has reasonable grounds to believe that he will commit a violent crime once released.

Honourable senators, does that seem just and fair to you?

[English]

Does this seem like a fair and just system? If one were to ask those Canadians who fell victim to fraud and lost their life savings, I am absolutely sure the answer would be a resounding "No, we do not believe that the current system is appropriate."

[Translation]

We do not believe that the current system is appropriate.

It is true that white-collar crime was long considered a faceless crime whose victims were big businesses, companies and governments.

• (1700)

But honourable senators, in recent years, it is law-abiding Canadians who have lost everything: their future, their relationships, their dignity.

[English]

Crimes like fraud are typically non-violent, but the harm done by these white-collar offenders leaves its victims devastated nonetheless.

[Translation]

Not only do victims of white-collar crime suffer financially, but they also suffer the humiliation of being ripped off and having handed over their entire life savings to someone they trusted.

[English]

When a white-collar offender, who may have destroyed the futures of many law-abiding Canadians, is able to leave prison well before their sentence is over, would we say that justice has been served? I am sure many victims of white-collar crimes will say they feel frustrated with a system they feel protects these offenders. Canadians are outraged and are demanding that the rights of law-abiding citizens are balanced against those of offenders.

Honourable senators, this government is listening to Canadians, and we will do whatever is necessary to tackle crime and stand up for victims' rights by ensuring victims' voices are heard and their concerns are addressed.

[Translation]

Bill C-59 enables us to move forward with the government's tough-on-crime agenda.

Honourable senators, for the past five years, the government has had an impressive record of improving the safety of individuals and communities.

[English]

We have invested in crime prevention, in law enforcement and in providing the necessary tools for police. We have also demonstrated our commitment to victims' rights. Most recently this week, Parliament passed Bill S-6, the serious time for the most serious crime act. This legislation repeals the faint hope clause that allows those convicted of murder to obtain early parole.

[Translation]

With the elimination of the faint hope clause, an offender who is found guilty of first degree murder is not eligible for parole until he has served his full 25-year sentence.

[English]

Similarly, offenders serving life imprisonment for second degree murder are no longer eligible for parole until their full ineligibility period is served, which can be up to 25 years.

In line with Bill C-59, honourable senators, is the proposed legislation our government put forward last May to amend the fraud provisions of the Criminal Code by providing tougher sentences for those who victimize honest citizens.

[Translation]

Bill C-21, the Standing up for Victims of White Collar Crime Act, introduces a mandatory minimum sentence of two years in prison for fraud over \$1 million. It toughens penalties, particularly by adding aggravating factors such as the financial and psychological impact of the fraud on the victim, which courts can take into consideration based on the victim's specific situation, including age, health and financial situation.

[English]

Our government is also working for victims of crime. In 2006, our government launched the Federal Victims Strategy to improve the experience of victims of crime in the criminal justice system. Since then, this government has committed over \$50 million to this strategy.

[Translation]

In 2007, our government created the Office of the Federal Ombudsman for Victims of Crime in order to ensure that the federal government meets its responsibilities to victims of crime.

Furthermore, our government has cracked down on organized crime, including drug-related crime, by toughening penalties.



With the Truth in Sentencing Act, we eliminated the two-for-one credit, which allowed judges to consider the time spent in pre-trial custody during sentencing.

[English]

We have demonstrated our commitment to protecting Canadians from those who commit serious and violent crimes by passing the Tackling Violent Crime Act. These examples are only a few that demonstrate this government's commitment to keeping Canadians safe, and ensuring that victims' voices are heard and their concerns addressed.

Honourable senators, if we do not act now and pass Bill C-59 into law, we will take one huge step back in protecting Canadians and the rights of those who have been victimized.

Honourable senators, abolishing accelerated parole review has been a few years in the making.

[Translation]

In December 2007, the Correctional Service of Canada's Independent Review Panel released its final report with recommendations for the Government of Canada. The panel was assigned the task of completing a review of CSC's operational priorities, strategies and business plans.

[English]

These proposed changes to Bill C-59 will respond to the independent review panel's recommendations to work towards a system of earned parole. The changes also responds to victims' groups concerns.

As I stated earlier, under the current system, first-time offenders convicted of fraud are eligible for day parole at one sixth of their sentence, and for full parole at one third. However, with the removal of accelerated parole review, offenders convicted of these crimes will be eligible only for regular day parole at the earliest, six months prior to their full parole eligibility date.

[Translation]

Accelerated parole review is a paper exercise, using forms, but the regular parole review takes the form of an interview with the offender.

Unless the Parole Board of Canada has reasonable grounds to believe that the offender would commit a violent offence if released, the offender must be allowed back into society.

[English]

An offender convicted of a serious white-collar crime, for example, can be eligible for this type of early release.

As it stands, honourable senators, an offender sentenced to 12 years can be released into the community on day parole in only two years, and fully paroled at only four years.

[ Senator Smith ]

What makes this situation even more difficult is the fact that the Parole Board of Canada must grant parole to an offender who is eligible for accelerated parole review, except for those instances where the Parole Board believes the offender may violently reoffend.

[Translation]

I have no doubt that this does not seem fair to law-abiding Canadians, and I am sure that it does not seem fair to the honourable senators around me.

Honourable senators, now is the time to send a message to those who commit white-collar crime.

[English]

Honourable senators, now is the time to send a message to those who commit white-collar crime. These offenders will no longer reap the benefits that are available under current law.

[Translation]

We have made it clear that the government will not put the rights of offenders before the rights of law-abiding citizens.

[English]

Honourable senators, I urge you to support the changes proposed in Bill C-59 and put victims first. Now is our opportunity to work together in the best interests of law-abiding Canadians.

(On motion of Senator Tardif, debate adjourned.)

[Translation]

## CANADA PENSION PLAN

### BILL TO AMEND—SECOND READING— POINT OF ORDER—SPEAKER'S RULING RESERVED

On the Order:

Resuming debate on the motion of the Honourable Senator Callbeck, seconded by the Honourable Senator Poy, for the second reading of Bill S-223, An Act to amend the Canada Pension Plan (retroactivity of retirement and survivor's pensions).

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I would like to raise a point of order related to the inadmissibility of Bill S-223, an Act to amend the Canada Pension Plan: retroactivity of retirement and survivor's pensions, which was introduced by Senator Callbeck.

The merits of the bill notwithstanding, I believe that it contains provisions that would create a new, distinct expenditure, which is not authorized by the current legislation. Consequently, the bill requires a Royal Recommendation. Pursuant to rule 81, it must be removed from the Order Paper.

• (1710)

Page 183 of *Beauchesne's Parliamentary Rules & Forms*, 6th Edition, states that an amendment of a pre-existing program:

... infringes the financial initiative of the Crown not only if it increases the amount but also if it extends the objects and purposes, or relaxes the conditions and qualifications. . .

Honourable senators, Bill S-223 will amend the Canada Pension Plan in such a way that people over the age of 70 who apply for a retirement pension will be eligible to receive retroactive benefits for a maximum period of 60 months prior to their 70th birthday and people who apply for a survivor's pension will be eligible to receive retroactive benefits for a period of 60 months.

The current retroactive payment period for the Canada Pension Plan is 12 months for retirement and survivor's pensions.

Bill S-223 will extend the retroactive payment period for these two pensions by 48 months. Thus, it can be said that the bill will relax the plan's conditions.

The Minister of Human Resources and Skills Development estimates that extending the retroactive payment period could result in up to \$251 million in one-time costs for 2011 and tens of millions of dollars in ongoing costs. The bill will thus increase government spending in a way that is not currently authorized under the Canada Pension Plan.

On February 24, 2009, the Speaker of the Senate rendered a decision on Bill S-207, the An Act to amend the Employment Insurance Act (foreign postings). He found, and I quote:

The proposal in Bill S-207 to extend access to a benefit enlarges the scheme of entitlements in the Employment Insurance Act, and, consequently, it requires a Royal Recommendation.

On May 8, 2008, the Speaker of the other place ruled on the issue of retroactive payments of benefits. With respect to Bill C-490, An Act to amend the Old Age Security Act, he said:

[The] clauses . . . of the bill seek to alter the conditions and manner in which compensation is awarded to old age security recipients by . . . modifying retroactive payments. . . .

... Bill C-490 alters the original purposes of the benefits and therefore the bill does require a royal recommendation.

On February 13, 1992, the Speaker of the Senate ruled on Bill C-280, An Act to amend the Canada Pension Plan Act (disability pension). He said:

The bill modifies the present eligibility or qualification criteria that require a disabled CPP contributor to meet minimum contributory requirements.

... I must, for procedural reasons, rule it inadmissible in this House.

Some senators may perhaps say that the Canada Pension Plan is administered using separate accounts and that, consequently, the bill does not require a Royal Recommendation.

However, section 108 of the Canada Pension Plan specifically states that all transactions under the plan shall be paid into the Consolidated Revenue Fund and credited to the Canada Pension Plan Account, or paid out of the Consolidated Revenue Fund and charged to the Canada Pension Plan Account.

Therefore, all funds pertaining to the plan are placed within the Consolidated Revenue Fund. The Speaker also acknowledged this point in his ruling of February 13, 1992. Pursuant to the ruling of February 13, 1992 and the other precedents I have quoted, Bill S-223 would result in new government expenditures that have not already been authorized by the Canada Pension Plan and must be accompanied by a Royal Recommendation.

Therefore, the bill must be deemed inadmissible.

[English]

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I believe there is no valid point of order before us. Senator Callbeck has done her research, has sought legal opinions and has brought to our attention a strong case against the need for a Royal Recommendation on Bill S-223.

[Translation]

Honourable senators, rule 81 states:

The Senate shall not proceed upon a bill appropriating public money that has not within the knowledge of the Senate been recommended by the Queen's representative.

Over the years, Canadian retirees have actively contributed to the Canada Pension Plan. The money in the plan belongs to the retirees of this country. These are not new funds because they are already in the CPP.

Therefore, Bill S-223 does not give rise to any new allocation of public money.

In addition, Senate precedents support Senator Callbeck's arguments.

[English]

In 1997, Senator Molgat stated in the following ruling on the admissibility of Bill S-12:

... it is not certain whether these anticipated operations would be funded by a new appropriation which would require a royal recommendation or by existing allocations established through previous legislation. Nor is there any language in the bill that effectively imposes any perceived appropriation. Yet these are the conditions to be satisfied when considering whether a royal recommendation should be attached to the bill.



Furthermore, Senator Molgat ruled in 1998:

... that matters are presented to be in order, except when the contrary is clearly established to be the case. This presumption suggests to me that the best policy for a Speaker is to interpret the rules in favour of debate by Senators, except where a matter to be debated is clearly out of order.

Honourable senators, I believe that Canadian retirees have the right to their money. Senator Callbeck's bill simply extends current retroactivity limits for eligible Canadians from 12 months to five years for CPP retirement benefits for those over the age of 70 years and for survivor's pensions.

Again, let me reiterate that this bill does not appropriate new public money, as the people concerned by these changes are already eligible to receive these benefits.

I ask His Honour to consider these arguments and find there is no valid point of order and that debate on Bill S-223 should continue so that we as senators can further study this bill and its implications for Canadians.

**Some Hon. Senators:** Hear, hear.

**Hon. Catherine S. Callbeck:** Honourable senators, I am pleased to take part in this debate, and I agree that it does not need a Royal Recommendation. I have had a legal opinion on it, and I tabled the letter from Heenan Blaikie, which sets it out clearly. They say the following:

The draft bill is not a "money bill" for the purposes of sections 53 and 54 of the *Constitution Act, 1867*, and may be initiated and considered in the Senate without a royal recommendation

Furthermore, under a section entitled Money Bill, it says:

As explained in the Summary to the draft bill, the purpose of the proposed amendments is to extend the payable period for retirement pensions and survivor's pensions. The funds that are the subject of the proposed amendments are not funds which form part of the Consolidated Revenue Fund and the proposed amendments do not seek, directly or indirectly, to impose taxes or appropriate funds. In our opinion, the draft bill does not require a royal recommendation and sections 53 and 54 of the *Constitution Act, 1867* do not impair the power of a Senator to introduce the bill to the Senate or the power of the Senate to deal with it.

• (1720)

It is clear from the legal opinion that I received that this piece of legislation does not need a Royal Recommendation.

**The Hon. the Speaker *pro tempore*:** Are there further honourable senators wishing to participate in the debate on this point of order?

[ Senator Tardif ]

**Senator Comeau:** I think both speakers were very careful; they skirted the issue closely but kept some distance away from the substance of the bill. I think I had indicated at the beginning of my comments that I was not commenting on the substance or the desirability of the bill. That is a whole different issue.

I was referring to the procedure, the rules under which we operate in this chamber, and that when a bill that is before us will require \$250 million to implement and tens of millions of dollars every year to implement, there obviously is a need to seek some kind of Royal Recommendation on it.

If individual senators can bring bills to the floor of the Senate that require the spending of such vast amounts of money, the Canadian taxpayer would become very nervous, and rightly so. That is why we have rules whereby governments require and need to seek Royal Recommendations on those kinds of massive spending bills. Regardless of how great a bill may be, those are the rules under which we function.

I was not quite sure; I probably should have been listening more closely to who the legal advice was from.

**Senator Day:** Heenan Blaikie.

**Senator Comeau:** On such procedural matters, in the Senate we generally go to a different group to seek legal advice on our rules and procedures, rather than to outside law firms. Generally, we go to rules that are more well-known by the senators, by the parliamentarians themselves. One can always seek legal advice outside the chamber, of course, for such things, but we should stay with the authorities in such jurisprudence that we generally rely on.

I think my point of order stands. Again, without touching on the value of what is proposed by the bill, we should stay with our rules and procedures.

**Senator Callbeck:** I would just like to add, again, that the money for this measure is not coming from the Consolidated Revenue Fund. The Finance Committee, I believe it was two years ago, had a meeting especially on this subject, and the Chief Actuary was there. I want to read what the Chief Actuary said. He was explaining that this proposal already accounts for the people who are eligible and deemed alive and living in Canada. He said that these people are presumed to have applied in the three-year actuarial reports. The assumption was made in the actuarial report that it would apply so the cost is already included. He said that on December 4, 2007.

As I say, there is no money coming out of the Consolidated Revenue Fund. The CPP is a fund that is set aside and the money is already there, according to the Chief Actuary.

**The Hon. the Speaker *pro tempore*:** There being no further senators wishing to participate in debate, the chair will take the matter under advisement and the Speaker will give a ruling at a later date.

## CANADA POST CORPORATION ACT

## BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Peterson, seconded by the Honourable Senator Lovelace Nicholas, for the second reading of Bill S-219, An Act to amend the Canada Post Corporation Act (rural postal services and the Canada Post Ombudsman).

**Hon. Michael L. MacDonald:** Honourable senators, I am pleased to address Bill S-219, An Act to amend the Canada Post Corporation Act (rural postal services and the Canada Post Ombudsman) introduced here on June 1, 2010.

The bill proposes to amend the Canada Post Corporation Act by introducing provisions to: resume rural delivery to every rural roadside mailbox that was serviced on September 1, 2005, except where the Corporation is of the opinion that doing so would pose an undue risk that could not be reasonably dealt with by relocating the mailbox or other measures at the Corporation's expense; require Canada Post to give six months written notice to customers of a change in rural mail delivery or other rural postal service; establish an ombudsman, as a Governor-in-Council appointment, with the power to request changes to policies and practices of the Corporation; and require the minister to undertake a review of the operation of these amendments every five years.

At the outset, I confess that this bill somewhat confuses me. When I first read it through, it struck me how similar the proposed amendments to the Canada Post Corporation Act are to actions already undertaken either by this government or by Canada Post.

For example, almost four years ago this government directed Canada Post to maintain roadside delivery to rural mailboxes that were serviced on September 1, 2005, while respecting all applicable laws.

Canada Post has been diligent in its response to the government's rural directive and in its efforts to meet its legal obligations for employee safety, as well as to address public concern about maintaining rural mailbox delivery. Since the directive, Canada Post has been busy assessing the safety of all rural mailboxes, of which there are some 843,000. While that is a large number of mailboxes, I should note that it makes up only 6 per cent of all addresses served by Canada Post across Canada.

As Canada's population grows and its cities expand, there are cases where once rural byways are becoming well-travelled highways. This has been making it difficult for rural carriers to exit and re-enter traffic lanes safely to deliver the mail. Some of these situations have involved vehicles coming around a curve and not having the time or room to avoid a stopped carrier vehicle. Unfortunately, in the last few years there have been numerous traffic accidents involving rural carriers. More regrettably, three rural carriers have been killed while delivering the mail.

To this point, Canada Post has assessed more than half the rural mailboxes using a traffic safety assessment tool developed with the help of third-party experts. Delivery to 89 per cent of the mailboxes that have been assessed has been maintained at the end of the laneway.

In the exceptional cases where delivery has been found to be unsafe, Canadians have worked with Canada Post to keep their local mail carrier from danger by moving a mailbox to a safer location, usually a few feet down the road or across the street.

It is only when a safe nearby location cannot be found that alternatives such as delivery to a community mailbox or to a post office box are considered.

Canada Post has been actively consulting with the communities affected, and many of us in this room have taken advantage of Canada Post's offer to do a ride-along to better understand the dangers and what Canada Post is doing to address them. I would encourage all senators to go and see the good work that Canada Post is doing.

Even though the opposition seems to have come to realize the importance of maintaining and assessing delivery to rural mailboxes, the bill before us would seem to indicate that they have come to that realization somewhat late in the game. Nonetheless, I am encouraged that there is general agreement on both sides that the rigorous assessment of rural mailboxes that is currently well under way is an important task.

However, the bill before us does not seem to recognize the legal responsibility that Canada Post has as an employer to ensure the safety of its employees in accordance with the Canada Labour Code and the Criminal Code. Similar to the 2006 rural directive, this bill proposes that Canada Post resume delivery to all rural mailboxes in service on September 1, 2005.

Where the bill differs from the rural directive is that it overlooks existing legislation such as the Canada Labour Code and leaves it up to Canada Post to determine if there is an undue risk to the resumption of such delivery. This creates a potential risk that Canada Post would be subject to a lesser obligation with the language "undue risk" versus the Canada Labour Code definition of "danger."

Such ambiguity may create uncertainty in interpretation and perhaps an uncertainty as to how to proceed in the case of a dangerous situation for employees.

Which legislation would be given precedence, an amended Canada Post Corporation Act as proposed by Bill S-219 or the Criminal Code and the Canada Labour Code? Although this is a question best left to lawyers to determine, without a doubt we should not be putting into force amendments to legislation that does not take into account such important pre-existing legislation.

• (1730)

The first provision also places the onus on Canada Post for assuming the cost of moving rural mailboxes in the exceptional circumstances where such a movement is required. As it now stands, residents own their own mailboxes. Such a change could make Canada Post vulnerable to liability in the event of injury during the movement. Also, there would be unwelcome financial implications for Canada Post for the relocation of unsafe mailboxes at a time when Canada Post is barely making a profit, despite significant cuts — including to its management ranks — in recent years. I must ask myself if residents who have



already spent their own money to move their mailboxes would seek retroactive compensation from Canada Post. If so, imagine how this would play out and how time-consuming and expensive this would be for Canada Post.

The second provision proposed by Bill S-219 is that Canada Post provide six months' written notice to customers of a change in rural mail delivery or other rural postal service. The Canadian Post Service Charter announced by this government scarcely more than a year ago, in September 2009, already requires a 30-day consultation period. Would such an extended consultation period lead to better service? I do not know why anyone would think it would. I can tell honourable senators that a consultation period extended from one month to six months is likely to constrain Canada Post's operational flexibility to respond quickly to unforeseen circumstances affecting infrastructure, such as a fire at a post office, or affecting its personnel, such as the unforeseen retirement of a post master. What if there is a new directive from a health and safety officer? Canada Post, like other employers under federal jurisdiction, must comply immediately.

On the subject of the Canadian Postal Service Charter, I would emphasize that this is another important initiative of the government. This government supports Canada Post and has committed to all Canadians, both rural and urban, to continue to have a universal, effective and economically viable postal service. That is why, in April 2008, the government established an independent review panel to examine Canada Post and its ability to continue to deliver on its legislated mandate, which is to provide universal service across Canada in a financially self-sustaining manner.

This is also why the government acted quickly, after receiving the advice of that independent review panel, to take the necessary action to ensure that Canada Post could continue to deliver on its mandate.

In September of last year, the government introduced the Canadian Postal Service Charter outlining our expectations for this Crown corporation. Canada Post will provide postal services that Canadians can count on. It will maintain rural postal services and it will protect Canadians' mail.

This is the first time that the expectations of Canadians for Canada Post have been clearly established by the federal government. This government has stated clearly in the Service Charter that it believes that postal services to rural regions are an integral part of Canada Post's universal service. The Service Charter specifically requires community outreach and consultation when Canada Post is forced to change delivery, such as permanently closing or moving corporate post offices. This provides both the corporation and the community an opportunity to work together to explore the available options to meet the community's postal needs and find the appropriate solution.

Over the course of the recent review of Canada Post and following the release of the report of the independent panel, the government received significant feedback from rural residents, local councils and rural interest groups on the importance of the postal system for rural communities. The Service Charter responds to this feedback and addresses the concerns of rural

Canadians by ensuring a universal postal service. Unlike the intent of this bill, which seems to unduly favour certain Canadian regions over others, our expectation of service is a national one, not one affected by region or proximity, but rather one that ensures that everyone everywhere has access to the same services.

The third proposed provision of Bill S-219 is that a Canada Post Corporation ombudsman be established as a Governor-in-Council appointment with the power to request changes to policies and practices of the corporation. As most honourable senators are already aware, Canada Post already has an ombudsman. In fact, Canada Post's ombudsman was awarded one of the prestigious Canada Awards for Excellence by the National Quality Institute on September 13, 2010. The ombudsman's office, led by Nicole Goodfellow, won the Gold Trophy for quality in the Public Sector - Small Organizations category. The Canada Awards for Excellence is an annual awards program to recognize business excellence in quality, customer service and a healthy workplace.

Canada Post has had an ombudsman in place since 1997. The ombudsman works independently of Canada Post staff and management, and reports directly to the corporation's board of directors. Over the past few years, for example, the ombudsman has dealt with over 7,000 complaints a year. Although the number of complaints sounds large, Canada Post receives very few complaints relative to the millions of customers it serves each and every day.

The bill calls for a Governor-in-Council appointed ombudsman who would be part of the public service and who would have the power to change Canada Post's administrative policies. Such a change would increase the perception of government control and conflict with the accountability role that has, in the Canadian tradition, been conferred on the Crown corporation's board of directors. It is the fiduciary duty of the board of directors to oversee the management of the corporation and to act in the best interests of the corporation. The appointment of an ombudsman with the power to change administration policies could diminish the board's ability to fulfill its duty.

The last proposed provision of Bill S-219 requires the minister responsible to Parliament for Canada Post to undertake a review of operation of the proposed amendments every five years. This provision is very similar to the requirement of the Service Charter that the government review the Canadian Postal Service Charter every five years after its adoption to assess the need to adapt the charter to changing requirements. Since the Service Charter was informed and developed following the independent strategic review of Canada Post in 2008, it is much more comprehensive in the expectations the government places on Canada Post than is the bill before us now.

It should be obvious from the actions that have been taken over the past few years that the government and Canada Post are keenly aware of the concerns of rural Canadians and the importance of providing reliable postal services to them.

As is stated in the preamble of the Service Charter, the Government of Canada is committed to ensuring transparency in how Canada Post provides quality postal services to all Canadians, rural and urban, individuals and businesses, in a secure and financially self-sustaining manner.

Since virtually all of the measures called for in Bill S-219 have already been taken by the government or the Canada Post Corporation, and since the provisions proposed by the bill may even conflict with existing law and compromise rural postal delivery, this bill should not be supported.

Thank you for giving me the opportunity to clarify the government's position on this bill.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Comeau, bill referred to Standing Senate Committee on Transport and Communications.)

[Translation]

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tardif, for the second reading of Bill S-204, An Act to amend the Criminal Code (protection of children).

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I realize that this bill has been on the Order Paper for 14 days; however, I am still preparing my comments. I therefore move the adjournment.

(On motion of Senator Comeau, debate adjourned.)

• (1740)

[English]

## GOVERNMENT PROMISES

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the litany of broken promises by the Harper administration,

beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

**Hon. Nicole Eaton:** Honourable senators, Senator Cordy has agreed that I speak today and adjourn the debate in her name.

Honourable senators, I rise today to speak to Senator Cowan's inquiry. Where to start with this? To begin with, as noted by Senator Finley, the hypocrisy contained in the very notion of this inquiry is laughable. Following a decade plagued by numerous scandals, flat out lies and broken promises to Canadians, it seems the Liberal Party has become increasingly whiny after five years out of power.

The egos of the self-prescribed natural governing party of Canada are apparently badly bruised. This inquiry brings to mind a spoiled brat, throwing a temper tantrum after losing his favourite toy. In this case, the toy is power, and the brat is the Liberal Party.

Rather than take a hard look in the mirror to see why the Liberal Party is in such shambles and disarray, they resort to cheap attacks in the Senate chamber. It is ironic that a party that has resisted all efforts to reform the Senate is doing the most damage to its reputation. Our mandate in the chamber is to study proposed legislation and issues affecting Canadians, not to launch blatant political attacks under the guise of Senate business.

While it might be convenient to blame Prime Minister Harper for all their problems, this will not provide any answers to their lack of solid policy positions, weak leadership and pathetic fundraising. Perhaps the years of abused power have led to the Liberals losing touch with the average, hard-working Canadians who became sick of the scandals and tired of the wishy-washy messages and arrogance. Honourable senators, this government made a promise to protect and strengthen Canada's economy. This government committed itself to this promise and that is what we have done.

Honourable senators, regardless of the holes that colleagues opposite would like to try to poke through it, *Canada's Economic Action Plan* supported the country and its citizens throughout the global recession. It has succeeded in building solid stepping stones for economic recovery, progress and growth. Due to this plan and our government's strong financial management, Canada is recognized as an international role model in fiscal management. Look no further than the Certified General Accountants Association of Canada who noted that the economic action plan "provides the necessary support for economic stimulus and job creation."

Note that the International Monetary Fund highlighted Canada as having the strongest fiscal position in the G7.

I could spend all day talking about the successes of the economic action plan; however, due to time constraints, this is not possible. Thus, let me address the extraordinary job done by our government to take action immediately and decisively to protect jobs and to help those Canadians hardest hit by the global recession.



*Canada's Economic Action Plan* directly assisted and helped the unemployed through various methods; one of those being changes to Employment Insurance. However, let me reminisce about the dark days of EI under the previous Liberal government. It is well known that Liberals used EI premiums paid by workers and businesses as a political slush fund. They raided and completely decimated the EI account of nearly \$60 billion without blinking an eye. Professor Thomas Courchene of Queen's University wrote about the Liberals in the April 2010 edition of *Policy Options*:

... siphoned off somewhere in the neighbourhood of \$5 to \$6 billion annually from the EI surplus ... the cumulative EI surplus that the Liberals brought into the consolidated revenue fund (CRF) reached a staggering \$60 billion.

The Canadian Federation of Independent Business declared in 2000 that they were tired of the EI fund being the slush fund for other initiatives.

It was a Conservative provincial government, one in which Senator Runciman was a part, that drew everyone's attention to the fact that the Liberals had gutted the EI account to play voodoo accounting, making it appear as though they had balanced the books.

Honourable senators, the Liberals emptied this fund and balanced the books on the backs of Canadian workers and the provinces. It took a Conservative government to remove political interference from the Employment Insurance Act, thus ensuring that future governments can never do this again. What a noble concept.

Regardless of the past misdeeds perpetrated by the Liberal Party, perhaps we should look at the promise kept by this government to protect the economy and those hardest hit by the global downturn. As mentioned numerous times, our government's number one priority is and will continue to be the economy. Unlike honourable senators across the way, when something needs doing, we address the situation swiftly and unwaveringly. Unfortunately, the Liberals do not feel the same way about the likes of such examples as the dire need for new fighter jets. However, this is perhaps on a par with the decade of darkness experienced by the military during the Liberals last time in power. Sea Kings, anyone? I digress.

All in all, the first phase of *Canada's Economic Action Plan* included \$8.3 billion over two years to support job creation and protect and assist the unemployed. Due to the strong leadership of Prime Minister Harper, this quick decision and action has allowed Canada's economy to recover virtually all of the jobs that were lost during this tumultuous time. My point is that when strong action on the economy was needed, it was provided by our government. This government provided an extra five weeks of EI benefit to more than 1 million EI claimants. This government provided 164,000 long-tenured workers with up to 20 weeks of additional benefits. Furthermore, more than 14,000 of these unemployed workers received additional assistance and long-term training through the Career Training Assistance Program. This government provided EI training opportunities for all Canadian workers, including additional support to the provinces and territories to expand training in skills development and support for over 200,000 Canadians annually moving into the knowledge-

based economy. Even those who did not qualify for EI benefits were assisted by the Strategic Training and Transition Fund for skills enhancement and training. This government provided funding for youth internships, which help in gaining work experience and necessary skills. This government offered more opportunities to Aboriginal Canadians by providing \$80 million over two years in additional funding for the Aboriginal Skills and Employment Partnership, and \$75 million over two years for the Aboriginal Skills and Training Strategic Investment Fund.

This government extended the duration of work-sharing agreements by 14 weeks to a maximum of 52 weeks and increased access to work-sharing agreements through greater flexibility in the qualifying criteria. This initiative assisted over 35,000 Canadians just this past December.

• (1750)

It was this government that provided \$40 million in new funding for an initiative for older workers, enabling more than 9,900 unemployed older workers to receive the specialized support they need to transition to new jobs. It was this government that made a commitment to encourage skilled trades and apprenticeships by investing \$80 million in the new Apprenticeship Completion Grant. It assisted over 38,000 new Canadians.

These accomplishments clearly show that our government has fulfilled its promise to assist the unemployed and to protect Canada's economy. I am proud to be part of a government that realizes that the workforce has evolved from the one that most of us experienced, and that is most assuredly completely different from the workforce of our parents. Today, Canada boasts a much different workforce: It is more educated, skilled, sophisticated and demanding not only of their employer but of their government. We have done all that is possible to ease this transition.

*Canada's Economic Action Plan* has been successful in creating over 460,000 jobs since July 2009, with close to 85 per cent of those jobs full-time, and almost 90 per cent of them high-quality jobs in high-wage industries. Furthermore, our economy has grown for the past five quarters. However, this recovery remains fragile and we are committed to further implementing our job creating, low-tax plan for the benefit of all Canadians.

This growth is one more proof that *Canada's Economic Action Plan* is working and working well, apparently something the Liberal Party has had a hard time accepting. Their denial has led to this cheap-shot inquiry. However, their childish antics are hardly significant.

What is significant and encouraging is seeing Canada's economy on the right track and I cannot help but praise the current government for that feat.

Honourable senators, the Conservative government under Prime Minister Harper has kept its promise to Canadians to keep the economy strong and the jobs available. It is an honour to rise today to shine light on that major accomplishment.

**The Hon. the Speaker:** Is it agreed, honourable senators, that this item remain standing in the name of the Honourable Senator Cordy?

(On motion of Senator Cordy, debate adjourned.)

## KEEPING CANADIANS SAFE BILL

### SIXTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Pamela Wallin**, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, March 1, 2011

The Standing Senate Committee on National Security and Defence has the honour to present its

### SIXTH REPORT

Your Committee, to which was referred Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, has, in obedience to its order of reference of Wednesday, December 15, 2010, examined the said Bill and now reports the same with the following amendments:

1. *Clause 17, page 8:* Replace line 15 with the following:

“45.88 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the *Keeping Canadians Safe (Protecting Borders) Act*.”.

2. *Clause 22:*

(a) *Page 12:*

(i) Add after line 22 the following:

“(10) If a complaint concerns the conduct of a designated officer, the Commission may conduct an investigation, review or hearing of that complaint jointly with an authority that is responsible for investigations, reviews or hearings with respect to complaints from the public against law enforcement officers in any relevant jurisdiction, whether in or outside Canada.

(11) The Minister may make regulations respecting investigations, reviews or hearings conducted jointly under subsection (10).”, and

(ii) Replace lines 23 and 24 with the following:

“45.9 Sections 45.52 to 45.56, 45.63 to 45.67, 45.71, 45.72 and 45.74 to 45.76 apply in respect of a”;

(b) *Page 19:*

(i) Add after line 32 the following:

“(10) If a complaint concerns the conduct of a designated officer, the Commission may conduct an investigation, review or hearing of that complaint jointly with an authority that is responsible for investigations, reviews or hearings with respect to complaints from the public against law enforcement officers in any relevant jurisdiction, whether in or outside Canada.

(11) The Minister may make regulations respecting investigations, reviews or hearings conducted jointly under subsection (10).”, and

(ii) Replace lines 33 and 34 with the following:

“45.9 Sections 45.52 to 45.56, 45.63 to 45.67, 45.71, 45.72 and 45.74 to 45.76 apply in respect of a”;

(c) *Page 24:* Replace line 26 with the following:

“45.88 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the *Keeping Canadians Safe (Protecting Borders) Act*.”;

(d) *Page 25:* Replace with line 28 with the following:

“45.88 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the *Keeping Canadians Safe (Protecting Borders) Act*.”.

3. *Clause 23, page 27:* Replace line 30 with the following:

“45.88 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the *Keeping Canadians Safe (Protecting Borders) Act*.”.

Respectfully submitted,

PAMELA WALLIN  
Chair

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Wallin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

(The Senate adjourned until Wednesday, March 2, 2011, at 1:30 p.m.)





## **APPENDIX**

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)



**THE SPEAKER**

The Honourable Noël A. Kinsella

**THE LEADER OF THE GOVERNMENT**

The Honourable Marjory LeBreton, P.C.

**THE LEADER OF THE OPPOSITION**

The Honourable James S. Cowan

---

**OFFICERS OF THE SENATE****CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Gary W. O'Brien

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Mark Audcent

**USHER OF THE BLACK ROD**

Kevin MacLeod

## THE MINISTRY

(In order of precedence)

(March 1, 2011)

|                                      |   |
|--------------------------------------|---|
| The Right Hon. Stephen Joseph Harper | Prime Minister  |
| The Hon. Robert Douglas Nicholson    | Minister of Justice and Attorney General of Canada  |
| The Hon. Jean-Pierre Blackburn       | Minister of Veterans Affairs and Minister of State (Agriculture)  |
| The Hon. Marjory LeBreton            | Leader of the Government in the Senate  |
| The Hon. Chuck Strahl                | Minister of Transport, Infrastructure and Communities   |
| The Hon. Peter Gordon MacKay         | Minister of National Defence  |
| The Hon. Stockwell Day               | President of the Treasury Board and Minister for the Asia-Pacific Gateway   |
| The Hon. Vic Toews                   | Minister of Public Safety   |
| The Hon. Rona Ambrose                | Minister of Public Works and Government Services and Minister of State (Status of Women)  |
| The Hon. Diane Finley                | Minister of Human Resources and Skills Development  |
| The Hon. Beverley J. Oda             | Minister for International Cooperation  |
| The Hon. John Baird                  | Leader of the Government in the House of Commons  |
| The Hon. Lawrence Cannon             | Minister of Foreign Affairs and Minister of State   |
| The Hon. Tony Clement                | Minister of Industry  |
| The Hon. James Michael Flaherty      | Minister of Finance   |
| The Hon. Josée Verner                | President of the Queen's Privy Council,<br>Minister of Intergovernmental Affairs and<br>Minister for La Francophonie  |
| The Hon. Peter Van Loan              | Minister of International Trade   |
| The Hon. Gerry Ritz                  | Minister of Agriculture and Agri-Food and<br>Minister for the Canadian Wheat Board  |
| The Hon. Jason Kenney                | Minister of Citizenship, Immigration and Multiculturalism   |
| The Hon. Christian Paradis           | Minister of Natural Resources   |
| The Hon. James Moore                 | Minister for Official Languages and Minister of Canadian Heritage   |
| The Hon. Leona Aglukkaq              | Minister of Health  |
| The Hon. Lisa Raitt                  | Minister of Labour  |
| The Hon. Gail A. Shea                | Minister of Fisheries and Oceans  |
| The Hon. Keith Ashfield              | Minister of National Revenue, Minister of the Atlantic<br>Canada Opportunities Agency and Minister<br>for the Atlantic Gateway  |
| The Hon. Peter Kent                  | Minister of the Environment   |
| The Hon. John Duncan                 | Minister of Indian Affairs and Northern Development,<br>Federal Interlocutor for Métis and Non-Status Indians and<br>Minister of the Canadian Northern Economic Development<br>Agency |
| The Hon. Gary Lunn                   | Minister of State (Sport)   |
| The Hon. Gordon O'Connor             | Minister of State and Chief Government Whip   |
| The Hon. Diane Ablonczy              | Minister of State of Foreign Affairs<br>(Americas and Consular Affairs)   |
| The Hon. Rob Merrifield              | Minister of State (Transport)   |
| The Hon. Lynne Yelich                | Minister of State (Western Economic Diversification)  |
| The Hon. Steven John Fletcher        | Minister of State (Democratic Reform)   |
| The Hon. Gary Goodyear               | Minister of State (Science and Technology)<br>(Federal Economic Development Agency for Southern<br>Ontario)   |
| The Hon. Denis Lebel                 | Minister of State (Economic Development Agency of Canada<br>for the Regions of Quebec)  |
| The Hon. Rob Moore                   | Minister of State (Small Business and Tourism)  |
| The Hon. Ted Menzies                 | Minister of State (Finance)   |
| The Hon. Julian Fantino              | Minister of State (Seniors)   |



## SENATORS OF CANADA

### ACCORDING TO SENIORITY

(March 1, 2011)

| Senator                          | Designation                        | Post Office Address        |
|----------------------------------|------------------------------------|----------------------------|
| THE HONOURABLE                   |                                    |                            |
| Lowell Murray, P.C.              | Pakenham                           | Ottawa, Ont.               |
| Anne C. Cools                    | Toronto Centre-York                | Toronto, Ont.              |
| Charlie Watt                     | Inkerman                           | Kuujuuaq, Que.             |
| Joyce Fairbairn, P.C.            | Lethbridge                         | Lethbridge, Alta.          |
| Colin Kenny                      | Rideau                             | Ottawa, Ont.               |
| Pierre De Bané, P.C.             | De la Vallière                     | Montreal, Que.             |
| Ethel Cochrane                   | Newfoundland and Labrador          | Port-au-Port, Nfld. & Lab. |
| Gerald J. Comeau                 | Nova Scotia                        | Saulnierville, N.S.        |
| Consiglio Di Nino                | Ontario                            | Downsview, Ont.            |
| Donald H. Oliver                 | South Shore                        | Halifax, N.S.              |
| Noël A. Kinsella, <i>Speaker</i> | Fredericton-York-Sunbury           | Fredericton, N.B.          |
| Michael Arthur Meighen           | St. Marys                          | Toronto, Ont.              |
| Janis G. Johnson                 | Manitoba                           | Gimli, Man.                |
| A. Raynell Andreychuk            | Saskatchewan                       | Regina, Sask.              |
| Jean-Claude Rivest               | Stadacona                          | Quebec, Que.               |
| Terrance R. Stratton             | Red River                          | St. Norbert, Man.          |
| David Tkachuk                    | Saskatchewan                       | Saskatoon, Sask.           |
| W. David Angus                   | Alma                               | Montreal, Que.             |
| Pierre Claude Nolin              | De Salaberry                       | Quebec, Que.               |
| Marjory LeBreton, P.C.           | Ontario                            | Manotick, Ont.             |
| Gerry St. Germain, P.C.          | Langley-Pemberton-Whistler         | Maple Ridge, B.C.          |
| Sharon Carstairs, P.C.           | Manitoba                           | Winnipeg, Man.             |
| Rose-Marie Losier-Cool           | Tracadie                           | Tracadie-Sheila, N.B.      |
| Céline Hervieux-Payette, P.C.    | Bedford                            | Montreal, Que.             |
| William H. Rompkey, P.C.         | Newfoundland and Labrador          | St. John's, Nfld. & Lab.   |
| Marie-P. Poulin                  | Nord de l'Ontario/Northern Ontario | Ottawa, Ont.               |
| Wilfred P. Moore                 | Stanhope St./South Shore           | Chester, N.S.              |
| Lucie Pépin                      | Shawinigan                         | Montreal, Que.             |
| Fernand Robichaud, P.C.          | New Brunswick                      | Saint-Louis-de-Kent, N.B.  |
| Catherine S. Callbeck            | Prince Edward Island               | Central Bedeque, P.E.I.    |
| Serge Joyal, P.C.                | Kennebec                           | Montreal, Que.             |
| Francis William Mahovlich        | Toronto                            | Toronto, Ont.              |
| Joan Thorne Fraser               | De Lorimier                        | Montreal, Que.             |
| Vivienne Poy                     | Toronto                            | Toronto, Ont.              |
| George Furey                     | Newfoundland and Labrador          | St. John's, Nfld. & Lab.   |
| Nick G. Sibbeston                | Northwest Territories              | Fort Simpson, N.W.T.       |
| Tommy Banks                      | Alberta                            | Edmonton, Alta.            |
| Jane Cordy                       | Nova Scotia                        | Dartmouth, N.S.            |
| Elizabeth M. Hubley              | Prince Edward Island               | Kensington, P.E.I.         |
| Mobina S. B. Jaffer              | British Columbia                   | North Vancouver, B.C.      |
| Joseph A. Day                    | Saint John-Kennebecasis            | Hampton, N.B.              |
| George S. Baker, P.C.            | Newfoundland and Labrador          | Gander, Nfld. & Lab.       |
| Raymond Lavigne                  | Montarville                        | Verdun, Que.               |
| David P., P.C.                   | Cobourg                            | Toronto, Ont.              |
| Maria Chaput                     | Manitoba                           | Sainte-Anne, Man.          |
| Pana Merchant                    | Saskatchewan                       | Regina, Sask.              |
| Pierrette Ringuette              | New Brunswick                      | Edmundston, N.B.           |
| Percy E. Downe                   | Charlottetown                      | Charlottetown, P.E.I.      |

| Senator                    | Designation                               | Post Office Address         |
|----------------------------|---|-----------------------------|
| Paul J. Massicotte         | De Lanaudière                             | Mont-Saint-Hilaire, Que.    |
| Mac Harb                   | Ontario                                   | Ottawa, Ont.                |
| Terry M. Mercer            | Northend Halifax                          | Caribou River, N.S.         |
| Jim Munson                 | Ottawa/Rideau Canal                       | Ottawa, Ont.                |
| Claudette Tardif           | Alberta                                   | Edmonton, Alta.             |
| Grant Mitchell             | Alberta                                   | Edmonton, Alta.             |
| Elaine McCoy               | Alberta                                   | Calgary, Alta.              |
| Robert W. Peterson         | Saskatchewan                              | Regina, Sask.               |
| Lillian Eva Dyck           | Saskatchewan                              | Saskatoon, Sask.            |
| Art Eggleton, P.C.         | Ontario                                   | Toronto, Ont.               |
| Nancy Ruth                 | Cluny                                     | Toronto, Ont.               |
| Roméo Antonius Dallaire    | Gulf                                      | Sainte-Foy, Que.            |
| James S. Cowan             | Nova Scotia                               | Halifax, N.S.               |
| Andrée Champagne, P.C.     | Grandville                                | Saint-Hyacinthe, Que.       |
| Hugh Segal                 | Kingston-Frontenac-Leeds                  | Kingston, Ont.              |
| Larry W. Campbell          | British Columbia                          | Vancouver, B.C.             |
| Rod A. A. Zimmer           | Manitoba                                  | Winnipeg, Man.              |
| Dennis Dawson              | Lauzon                                    | Sainte-Foy, Que.            |
| Francis Fox, P.C.          | Victoria                                  | Montreal, Que.              |
| Sandra Lovelace Nicholas   | New Brunswick                             | Tobique First Nations, N.B. |
| Bert Brown                 | Alberta                                   | Kathyrn, Alta.              |
| Fabian Manning             | Newfoundland and Labrador                 | St. Bride's, Nfld. & Lab.   |
| Fred J. Dickson            | Nova Scotia                               | Halifax, N.S.               |
| Stephen Greene             | Halifax-The Citadel                       | Halifax, N.S.               |
| Michael L. MacDonald       | Cape Breton                               | Dartmouth, N.S.             |
| Michael Duffy              | Prince Edward Island                      | Cavendish, P.E.I.           |
| Percy Mockler              | New Brunswick                             | St. Leonard, N.B.           |
| John D. Wallace            | New Brunswick                             | Rothsay, N.B.               |
| Michel Rivard              | The Laurentides                           | Quebec, Que.                |
| Nicole Eaton               | Ontario                                   | Caledon, Ont.               |
| Irving Gerstein            | Ontario                                   | Toronto, Ont.               |
| Pamela Wallin              | Saskatchewan                              | Kuroki Beach, Sask.         |
| Nancy Greene Raine         | Thompson-Okanagan-Kootenay                | Sun Peaks, B.C.             |
| Yonah Martin               | British Columbia                          | Vancouver, B.C.             |
| Richard Neufeld            | British Columbia                          | Fort St. John, B.C.         |
| Daniel Lang                | Yukon                                     | Whitehorse, Yukon           |
| Patrick Brazeau            | Repentigny                                | Gatineau, Que.              |
| Leo Housakos               | Wellington                                | Laval, Que.                 |
| Suzanne Fortin-Duplessis   | Rougemont                                 | Quebec, Que.c               |
| Donald Neil Plett          | Landmark                                  | Landmark, Man.              |
| Michael Douglas Finley     | Ontario—South Coast                       | Simcoe, Ont.                |
| Linda Frum                 | Ontario                                   | Toronto, Ont.               |
| Claude Carignan            | Mille Isles                               | Saint-Eustache, Que.        |
| Jacques Demers             | Rigaud                                    | Hudson, Que.                |
| Judith G. Seidman (Ripley) | De la Durantaye                           | Saint-Raphaël, Que.         |
| Carolyn Stewart Olsen      | New Brunswick                             | Sackville, N.B.             |
| Kelvin Kenneth Ogilvie     | Annapolis Valley - Hants                  | Canning, N.S.               |
| Dennis Glen Patterson      | Nunavut                                   | Iqaluit, Nunavut            |
| Bob Runciman               | Ontario—Thousand Islands and Rideau Lakes | Brockville, Ont.            |
| Vim Kochhar                | Ontario                                   | Toronto, Ont.               |
| Pierre-Hugues Boisvenu     | La Salle                                  | Sherbrooke, Que.            |
| Elizabeth (Beth) Marshall  | Newfoundland and Labrador                 | Paradise, Nfld. & Lab.      |
| Rose-May Poirier           | New Brunswick—Saint-Louis-de-Kent         | Saint-Louis-de-Kent, N.B.   |
| David Braley               | Ontario                                   | Burlington, Ont.            |
| Salma Ataullahjan          | Toronto—Ontario                           | Toronto, Ont.               |
| Don Meredith               | Ontario                                   | Richmond Hill, Ont.         |
| Larry W. Smith             | Saurel                                    | Hudson, Que.                |



## SENATORS OF CANADA

## ALPHABETICAL LIST

(March 1, 2011)

| Senator                           | Designation               | Post Office Address        | Political Affiliation |
|-----------------------------------|---------------------------|----------------------------|-----------------------|
| THE HONOURABLE                    |                           |                            |                       |
| Andreychuk, A. Raynell            | Saskatchewan              | Regina, Sask.              | Conservative          |
| Angus, W. David                   | Alma                      | Montreal, Que.             | Conservative          |
| Ataullahjan, Salma                | Toronto—Ontario           | Toronto, Ont.              | Conservative          |
| Baker, George S., P.C.            | Newfoundland and Labrador | Gander, Nfld. & Lab.       | Liberal               |
| Banks, Tommy                      | Alberta                   | Edmonton, Alta.            | Liberal               |
| Boisvenu, Pierre-Hugues           | La Salle                  | Sherbrooke, Que.           | Conservative          |
| Braley, David                     | Ontario                   | Burlington, Ont.           | Conservative          |
| Brazeau, Patrick                  | Repentigny                | Gatineau, Que.             | Conservative          |
| Brown, Bert                       | Alberta                   | Kathryn, Alta.             | Conservative          |
| Callbeck, Catherine S.            | Prince Edward Island      | Central Bedeque, P.E.I.    | Liberal               |
| Campbell, Larry W.                | British Columbia          | Vancouver, B.C.            | Liberal               |
| Carignan, Claude                  | Mille Isles               | Saint-Eustache, Que.       | Conservative          |
| Carstairs, Sharon, P.C.           | Manitoba                  | Winnipeg, Man.             | Liberal               |
| Champagne, Andrée, P.C.           | Grandville                | Saint-Hyacinthe, Que.      | Conservative          |
| Chaput, Maria                     | Manitoba                  | Sainte-Anne, Man.          | Liberal               |
| Cochrane, Ethel                   | Newfoundland and Labrador | Port-au-Port, Nfld. & Lab. | Conservative          |
| Comeau, Gerald J.                 | Nova Scotia               | Saulnierville, N.S.        | Conservative          |
| Cools, Anne C.                    | Toronto Centre-York       | Toronto, Ont.              | Independent           |
| Cordy, Jane                       | Nova Scotia               | Dartmouth, N.S.            | Liberal               |
| Cowan, James S.                   | Nova Scotia               | Halifax, N.S.              | Liberal               |
| Dallaire, Roméo Antonius          | Gulf                      | Sainte-Foy, Que.           | Liberal               |
| Dawson, Dennis                    | Lauzon                    | Ste-Foy, Que.              | Liberal               |
| Day, Joseph A.                    | Saint John-Kennebecasis   | Hampton, N.B.              | Liberal               |
| De Bané, Pierre, P.C.             | De la Vallière            | Montreal, Que.             | Liberal               |
| Demers, Jacques                   | Rigaud                    | Hudson, Que.               | Conservative          |
| Dickson, Fred J.                  | Nova Scotia               | Halifax, N.S.              | Conservative          |
| Di Nino, Consiglio                | Ontario                   | Downsview, Ont.            | Conservative          |
| Downe, Percy E.                   | Charlottetown             | Charlottetown, P.E.I.      | Liberal               |
| Duffy, Michael                    | Prince Edward Island      | Cavendish, P.E.I.          | Conservative          |
| Dyck, Lillian Eva                 | Saskatchewan              | Saskatoon, Sask.           | Liberal               |
| Eaton, Nicole                     | Ontario                   | Caledon, Ont.              | Conservative          |
| Eggleton, Art, P.C.               | Ontario                   | Toronto, Ont.              | Liberal               |
| Fairbairn, Joyce, P.C.            | Lethbridge                | Lethbridge, Alta.          | Liberal               |
| Finley, Michael Douglas           | Ontario—South Coast       | Simcoe, Ont.               | Conservative          |
| Fortin-Duplessis, Suzanne         | Rougemont                 | Quebec, Que.               | Conservative          |
| Fox, Francis, P.C.                | Victoria                  | Montreal, Que.             | Liberal               |
| Fraser, Joan Thorne               | De Lorimier               | Montreal, Que.             | Liberal               |
| Frum, Linda                       | Ontario                   | Toronto, Ont.              | Conservative          |
| Furey, George                     | Newfoundland and Labrador | St. John's, Nfld. & Lab.   | Liberal               |
| Gerstein, Irving                  | Ontario                   | Toronto, Ont.              | Conservative          |
| Greene, Stephen                   | Halifax - The Citadel     | Halifax, N.S.              | Conservative          |
| Harb, Mac                         | Ontario                   | Ottawa, Ont.               | Liberal               |
| Hervieux-Payette, Céline, P.C.    | Bedford                   | Montreal, Que.             | Liberal               |
| Housakos, Leo                     | Wellington                | Laval, Que.                | Conservative          |
| Hubley, Elizabeth M.              | Prince Edward Island      | Kensington, P.E.I.         | Liberal               |
| Jaffer, Mobina S. B.              | British Columbia          | North Vancouver, B.C.      | Liberal               |
| Johnson, Janis G.                 | Manitoba                  | Gimli, Man.                | Conservative          |
| Joyal, Serge, P.C.                | Kennebec                  | Montreal, Que.             | Liberal               |
| Kenny, Colin                      | Rideau                    | Ottawa, Ont.               | Liberal               |
| Kinsella, Noël A., <i>Speaker</i> | Fredericton-York-Sunbury  | Fredericton, N.B.          | Conservative          |
| Kochhar, Vim                      | Ontario                   | Toronto, Ont.              | Conservative          |

| Senator                     | Designation                               | Post Office Address         | Political Affiliation    |
|-----------------------------|---|-----------------------------|--------------------------|
| Lang, Daniel                | Yukon                                     | Whitehorse, Yukon           | Conservative             |
| Lavigne, Raymond            | Montarville                               | Verdun, Que.                | Liberal                  |
| LeBreton, Marjory, P.C.     | Ontario                                   | Manotick, Ont.              | Conservative             |
| Losier-Cool, Rose-Marie     | Tracadie                                  | Tracadie-Sheila, N.B.       | Liberal                  |
| Lovelace Nicholas, Sandra   | New Brunswick                             | Tobique First Nations, N.B. | Liberal                  |
| MacDonald, Michael L.       | Cape Breton                               | Dartmouth, N.S.             | Conservative             |
| Mahovlich, Francis William  | Toronto                                   | Toronto, Ont.               | Liberal                  |
| Manning, Fabian             | Newfoundland and Labrador                 | St. Brides's, Nfld. & Lab.  | Conservative             |
| Marshall, Elizabeth (Beth)  | Newfoundland and Labrador                 | Paradise, Nfld. & Lab.      | Conservative             |
| Martin, Yonah               | British Columbia                          | Vancouver, B.C.             | Conservative             |
| Massicotte, Paul J.         | De Lanaudière                             | Mont-Saint-Hilaire, Que.    | Liberal                  |
| McCoy, Elaine               | Alberta                                   | Calgary, Alta.              | Progressive Conservative |
| Meighen, Michael Arthur     | St. Marys                                 | Toronto, Ont.               | Conservative             |
| Mercer, Terry M.            | Northend Halifax                          | Caribou River, N.S.         | Liberal                  |
| Merchant, Pana              | Saskatchewan                              | Regina, Sask.               | Liberal                  |
| Meredith, Don               | Ontario                                   | Richmond Hill, Ont.         | Conservative             |
| Mitchell, Grant             | Alberta                                   | Edmonton, Alta.             | Liberal                  |
| Mockler, Percy              | New Brunswick                             | St. Leonard, N.B.           | Conservative             |
| Moore, Wilfred P.           | Stanhope St./South Shore                  | Chester, N.S.               | Liberal                  |
| Munson, Jim                 | Ottawa/Rideau Canal                       | Ottawa, Ont.                | Liberal                  |
| Murray, Lowell, P.C.        | Pakenham                                  | Ottawa, Ont.                | Progressive Conservative |
| Nancy Ruth                  | Cluny                                     | Toronto, Ont.               | Conservative             |
| Neufeld, Richard            | British Columbia                          | Fort St. John, B.C.         | Conservative             |
| Nolin, Pierre Claude        | De Salaberry                              | Quebec, Que.                | Conservative             |
| Ogilvie, Kelvin Kenneth     | Annapolis Valley - Hants                  | Canning, N.S.               | Conservative             |
| Oliver, Donald H.           | South Shore                               | Halifax, N.S.               | Conservative             |
| Patterson, Dennis Glen      | Nunavut                                   | Iqaluit, Nunavut            | Conservative             |
| Pépin, Lucie                | Shawinigan                                | Montreal, Que.              | Liberal                  |
| Peterson, Robert W.         | Saskatchewan                              | Regina, Sask.               | Liberal                  |
| Plett, Donald Neil          | Landmark                                  | Landmark, Man.              | Conservative             |
| Poirier, Rose-May           | New Brunswick—Saint-Louis-de-Kent         | Saint-Louis-de-Kent, N.B.   | Conservative             |
| Poulin, Marie-P.            | Nord de l'Ontario/Northern Ontario        | Ottawa, Ont.                | Liberal                  |
| Poy, Vivienne               | Toronto                                   | Toronto, Ont.               | Liberal                  |
| Raine, Nancy Greene         | Thompson-Okanagan-Kootenay                | Sun Peaks, B.C.             | Conservative             |
| Ringuette, Pierrette        | New Brunswick                             | Edmundston, N.B.            | Liberal                  |
| Rivard, Michel              | The Laurentides                           | Quebec, Que.                | Conservative             |
| Rivest, Jean-Claude         | Stadacona                                 | Quebec, Que.                | Independent              |
| Robichaud, Fernand, P.C.    | New Brunswick                             | Saint-Louis-de-Kent, N.B.   | Liberal                  |
| Rompkey, William H., P.C.   | Newfoundland and Labrador                 | St. John's, Nfld. & Lab.    | Liberal                  |
| Runciman, Bob               | Ontario—Thousand Islands and Rideau Lakes | Brockville, Ont.            | Conservative             |
| St. Germain, Gerry, P.C.    | Langley-Pemberton-Whistler                | Maple Ridge, B.C.           | Conservative             |
| Segal, Hugh                 | Kingston-Frontenac-Leeds                  | Kingston, Ont.              | Conservative             |
| Seidman (Ripley), Judith G. | De la Durantaye                           | Saint-Raphaël, Que.         | Conservative             |
| Sibbeston, Nick G.          | Northwest Territories                     | Fort Simpson, N.W.T.        | Liberal                  |
| Smith, David P., P.C.       | Cobourg                                   | Toronto, Ont.               | Liberal                  |
| Smith, Larry W.             | Saurel                                    | Hudson, Que.                | Conservative             |
| Stewart Olsen, Carolyn      | New Brunswick                             | Sackville, N.B.             | Conservative             |
| Stratton, Terrance R.       | Red River                                 | St. Norbert, Man.           | Conservative             |
| Tardif, Claudette           | Alberta                                   | Edmonton, Alta.             | Liberal                  |
| Tkachuk, David              | Saskatchewan                              | Saskatoon, Sask.            | Conservative             |
| Wallace, John D.            | New Brunswick                             | Rothsay, N.B.               | Conservative             |
| Wallin, Pamela              | Saskatchewan                              | Kuroki Beach, Sask.         | Conservative             |
| Watt, Charlie               | Inkerman                                  | Kuujuuaq, Que.              | Liberal                  |
| Zimmer, Rod A. A.           | Manitoba                                  | Winnipeg, Man.              | Liberal                  |



**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**  
(March 1, 2011)

**ONTARIO—24**

| Senator                           | Designation                                  | Post Office Address |
|-----------------------------------|--|---------------------|
| THE HONOURABLE                    |  |                     |
| 1 Lowell Murray, P.C. ....        | Pakenham .....                               | Ottawa              |
| 2 Anne C. Cools .....             | Toronto Centre-York .....                    | Toronto             |
| 3 Colin Kenny .....               | Rideau .....                                 | Ottawa              |
| 4 Consiglio Di Nino .....         | Ontario .....                                | Downsview           |
| 5 Michael Arthur Meighen .....    | St. Marys .....                              | Toronto             |
| 6 Marjory LeBreton, P.C. ....     | Ontario .....                                | Manotick            |
| 7 Marie-P. Poulin .....           | Northern Ontario .....                       | Ottawa              |
| 8 Francis William Mahovlich ..... | Toronto .....                                | Toronto             |
| 9 Vivienne Poy .....              | Toronto .....                                | Toronto             |
| 10 David P. Smith, P.C. ....      | Cobourg .....                                | Toronto             |
| 11 Mac Harb .....                 | Ontario .....                                | Ottawa              |
| 12 Jim Munson .....               | Ottawa/Rideau Canal .....                    | Ottawa              |
| 13 Art Eggleton, P.C. ....        | Ontario .....                                | Toronto             |
| 14 Nancy Ruth .....               | Cluny .....                                  | Toronto             |
| 15 Hugh Segal .....               | Kingston-Frontenac-Leeds .....               | Kingston            |
| 16 Nicole Eaton .....             | Ontario .....                                | Caledon             |
| 17 Irving Gerstein .....          | Ontario .....                                | Toronto             |
| 18 Michael Douglas Finley .....   | Ontario—South Coast .....                    | Simcoe              |
| 19 Linda Frum .....               | Ontario .....                                | Toronto             |
| 20 Bob Runciman .....             | Ontario—Thousand Islands and Rideau Lakes .. | Brockville          |
| 21 Vim Kochhar .....              | Ontario .....                                | Toronto             |
| 22 David Braley .....             | Ontario .....                                | Burlington          |
| 23 Salma Ataullahjan .....        | Toronto—Ontario .....                        | Toronto             |
| 24 Don Meredith .....             | Ontario .....                                | Richmond Hill       |

## SENATORS BY PROVINCE AND TERRITORY

## QUEBEC—24

| Senator                         | Designation     | Post Office Address |
|---------------------------------|-----------------|---------------------|
| THE HONOURABLE                  |                 |                     |
| 1 Charlie Watt                  | Inkerman        | Kuujuuaq            |
| 2 Pierre De Bané, P.C.          | De la Vallière  | Montreal            |
| 3 Jean-Claude Rivest            | Stadacona       | Quebec              |
| 4 W. David Angus                | Alma            | Montreal            |
| 5 Pierre Claude Nolin           | De Salaberry    | Quebec              |
| 6 Céline Hervieux-Payette, P.C. | Bedford         | Montreal            |
| 7 Lucie Pépin                   | Shawinigan      | Montreal            |
| 8 Serge Joyal, P.C.             | Kennebec        | Montreal            |
| 9 Joan Thorne Fraser            | De Lorimier     | Montreal            |
| 10 Raymond Lavigne              | Montarville     | Verdun              |
| 11 Paul J. Massicotte           | De Lanaudière   | Mont-Saint-Hilaire  |
| 12 Roméo Antonius Dallaire      | Gulf            | Sainte-Foy          |
| 13 Andrée Champagne, P.C.       | Grandville      | Saint-Hyacinthe     |
| 14 Dennis Dawson                | Lauzon          | Ste-Foy             |
| 15 Francis Fox, P.C.            | Victoria        | Montreal            |
| 16 Michel Rivard                | The Laurentides | Quebec              |
| 17 Patrick Brazeau              | Repentigny      | Gatineau            |
| 18 Leo Housakos                 | Wellington      | Laval               |
| 19 Suzanne Fortin-Duplessis     | Rougemont       | Quebec              |
| 20 Claude Carignan              | Mille Isles     | Saint-Eustache      |
| 21 Jacques Demers               | Rigaud          | Hudson              |
| 22 Judith G. Seidman (Ripley)   | De la Durantaye | Saint-Raphaël       |
| 23 Pierre-Hugues Boisvenu       | La Salle        | Sherbrooke          |
| 24 Larry W. Smith               | Saurel          | Hudson              |



## SENATORS BY PROVINCE-MARITIME DIVISION

## NOVA SCOTIA—10

| Senator                   | Designation              | Post Office Address |
|---------------------------|--------------------------|---------------------|
| THE HONOURABLE            |                          |                     |
| 1 Gerald J. Comeau        | Nova Scotia              | Saulnierville       |
| 2 Donald H. Oliver        | South Shore              | Halifax             |
| 3 Wilfred P. Moore        | Stanhope St./South Shore | Chester             |
| 4 Jane Cordy              | Nova Scotia              | Dartmouth           |
| 5 Terry M. Mercer         | Northend Halifax         | Caribou River       |
| 6 James S. Cowan          | Nova Scotia              | Halifax             |
| 7 Fred J. Dickson         | Nova Scotia              | Halifax             |
| 8 Stephen Greene          | Halifax - The Citadel    | Halifax             |
| 9 Michael L. MacDonald    | Cape Breton              | Dartmouth           |
| 10 Kelvin Kenneth Ogilvie | Annapolis Valley - Hants | Canning             |

## NEW BRUNSWICK—10

| Senator                            | Designation                            | Post Office Address   |
|------------------------------------|--|-----------------------|
| THE HONOURABLE                     |  |                       |
| 1 Noël A. Kinsella, <i>Speaker</i> | Fredericton-York-Sunbury               | Fredericton           |
| 2 Rose-Marie Losier-Cool           | Tracadie                               | Tracadie-Sheila       |
| 3 Fernand Robichaud, P.C.          | Saint-Louis-de-Kent                    | Saint-Louis-de-Kent   |
| 4 Joseph A. Day                    | Saint John-Kennebecasis, New Brunswick | Hampton               |
| 5 Pierrette Ringuette              | New Brunswick                          | Edmundston            |
| 6 Sandra Lovelace Nicholas         | New Brunswick                          | Tobique First Nations |
| 7 Percy Mockler                    | New Brunswick                          | St. Leonard           |
| 8 John D. Wallace                  | New Brunswick                          | Rothesay              |
| 9 Carolyn Stewart Olsen            | New Brunswick                          | Sackville             |
| 10 Rose-May Poirier                | New Brunswick—Saint-Louis-de-Kent      | Saint-Louis-de-Kent   |

## PRINCE EDWARD ISLAND—4

| Senator                 | Designation          | Post Office Address |
|-------------------------|----------------------|---------------------|
| THE HONOURABLE          |                      |                     |
| 1 Catherine S. Callbeck | Prince Edward Island | Central Bedeque     |
| 2 Elizabeth M. Hubley   | Prince Edward Island | Kensington          |
| 3 Percy E. Downe        | Charlottetown        | Charlottetown       |
| 4 Michael Duffy         | Prince Edward Island | Cavendish           |

## SENATORS BY PROVINCE-WESTERN DIVISION

## MANITOBA—6

| Senator                  | Designation | Post Office Address |
|--------------------------|-------------|---------------------|
| THE HONOURABLE           |             |                     |
| 1 Janis G. Johnson       | Manitoba    | Gimli               |
| 2 Terrance R. Stratton   | Red River   | St. Norbert         |
| 3 Sharon Carstairs, P.C. | Manitoba    | Winnipeg            |
| 4 Maria Chaput           | Manitoba    | Sainte-Anne         |
| 5 Rod A. A. Zimmer       | Manitoba    | Winnipeg            |
| 6 Donald Neil Plett      | Landmark    | Landmark            |

## BRITISH COLUMBIA—6

| Senator                   | Designation                | Post Office Address |
|---------------------------|----------------------------|---------------------|
| THE HONOURABLE            |                            |                     |
| 1 Gerry St. Germain, P.C. | Langley-Pemberton-Whistler | Maple Ridge         |
| 2 Mobina S. B. Jaffer     | British Columbia           | North Vancouver     |
| 3 Larry W. Campbell       | British Columbia           | Vancouver           |
| 4 Nancy Greene Raine      | Thompson-Okanagan-Kootenay | Sun Peaks           |
| 5 Yonah Martin            | British Columbia           | Vancouver           |
| 6 Richard Neufeld         | British Columbia           | Fort St. John       |

## SASKATCHEWAN—6

| Senator                 | Designation  | Post Office Address |
|-------------------------|--------------|---------------------|
| THE HONOURABLE          |              |                     |
| 1 A. Raynell Andreychuk | Saskatchewan | Regina              |
| 2 David Tkachuk         | Saskatchewan | Saskatoon           |
| 3 Pana Merchant         | Saskatchewan | Regina              |
| 4 Robert W. Peterson    | Saskatchewan | Regina              |
| 5 Lillian Eva Dyck      | Saskatchewan | Saskatoon           |
| 6 Pamela Wallin         | Saskatchewan | Kuroki Beach        |

## ALBERTA—6

| Senator                 | Designation | Post Office Address |
|-------------------------|-------------|---------------------|
| THE HONOURABLE          |             |                     |
| 1 Joyce Fairbairn, P.C. | Lethbridge  | Lethbridge          |
| 2 Tommy Banks           | Alberta     | Edmonton            |
| 3 Claudette Tardif      | Alberta     | Edmonton            |
| 4 Grant Mitchell        | Alberta     | Edmonton            |
| 5 Elaine McCoy          | Alberta     | Calgary             |
| 6 Bert Brown            | Alberta     | Kathryn             |



## SENATORS BY PROVINCE AND TERRITORY

### NEWFOUNDLAND AND LABRADOR—6

| Senator                     | Designation               | Post Office Address |
|-----------------------------|---------------------------|---------------------|
| THE HONOURABLE              |                           |                     |
| 1 Ethel Cochrane            | Newfoundland and Labrador | Port-au-Port        |
| 2 William H. Rompkey, P.C.  | Newfoundland and Labrador | St. John's          |
| 3 George Furey              | Newfoundland and Labrador | St. John's          |
| 4 George S. Baker, P.C.     | Newfoundland and Labrador | Gander              |
| 5 Fabian Manning            | Newfoundland and Labrador | St. Bride's         |
| 6 Elizabeth (Beth) Marshall | Newfoundland and Labrador | Paradise            |

### NORTHWEST TERRITORIES—1

| Senator             | Designation           | Post Office Address |
|---------------------|-----------------------|---------------------|
| THE HONOURABLE      |                       |                     |
| 1 Nick G. Sibbeston | Northwest Territories | Fort Simpson        |

### NUNAVUT—1

| Senator                 | Designation | Post Office Address |
|-------------------------|-------------|---------------------|
| THE HONOURABLE          |             |                     |
| 1 Dennis Glen Patterson | Nunavut     | Iqaluit             |

### YUKON—1

| Senator        | Designation | Post Office Address |
|----------------|-------------|---------------------|
| THE HONOURABLE |             |                     |
| 1 Daniel Lang  | Yukon       | Whitehorse          |

# CONTENTS

Tuesday, March 1, 2011

|   | PAGE |  | PAGE |
|---|------|--|------|
| <b>SENATORS' STATEMENTS</b>   |      | <b>QUESTION PERIOD</b>   |      |
| <b>Tributes</b>   |      | <b>Foreign Affairs</b>   |      |
| The Late Honourable Marian L. Maloney.  |      | Libya—International Response to Political Uprising.  |      |
| Hon. David P. Smith . . . . .   | 1859 | Hon. Roméo Antonius Dallaire . . . . .   | 1865 |
| Hon. Catherine S. Callbeck . . . . .  | 1859 | Hon. Marjory LeBreton . . . . .  | 1865 |
| Hon. Mobina S. B. Jaffer . . . . .  | 1860 | Hon. James S. Cowan . . . . .  | 1866 |
| Hon. Art Eggleton . . . . .   | 1860 |  |      |
| Hon. Terry M. Mercer . . . . .  | 1860 | <b>Finance</b>   |      |
| <b>Visitors in the Gallery</b>  |      | Freezing Bank Accounts of Former Tunisian President,<br>his Family and Government Officials.     |      |
| The Hon. the Speaker . . . . .  | 1860 | Hon. Jean-Claude Rivest . . . . .  | 1867 |
|   |      | Hon. Marjory LeBreton . . . . .  | 1867 |
| <b>Red Cross Month</b>  |      | <b>Foreign Affairs</b>   |      |
| Hon. Catherine S. Callbeck . . . . .  | 1860 | Libya—Canadian Response to Political Uprising.   |      |
| <b>TD Black Student Opportunity Grant</b>   |      | Hon. Art Eggleton . . . . .  | 1867 |
| Hon. Donald H. Oliver . . . . .   | 1861 | Hon. Marjory LeBreton . . . . .  | 1867 |
| <b>Libya</b>  |      | Ivory Coast—Actions of Belarus Government.   |      |
| Canadian Response to Political Uprising.  |      | Hon. Hugh Segal . . . . .  | 1867 |
| Hon. Roméo Antonius Dallaire . . . . .  | 1861 | Hon. Marjory LeBreton . . . . .  | 1867 |
| <b>2011 Scotties Tournament of Hearts</b>   |      | <b>National Defence</b>  |      |
| Hon. Pamela Wallin . . . . .  | 1862 | Operational Stress Injuries.   |      |
| <b>The Honourable Sharon Carstairs</b>  |      | Hon. Joseph A. Day . . . . .   | 1867 |
| Congratulations on Winning American Academy of Hospice<br>and Palliative Medicine Presidential Citation Award.  |      | Hon. Marjory LeBreton . . . . .  | 1868 |
| Hon. Jane Cordy . . . . .   | 1862 | <b>Heritage</b>  |      |
| <b>The Late Jean-Marc Léger</b>   |      | Canadian Radio-television and Telecommunications<br>Commission Appointment of Vice-Chairperson.  |      |
| Hon. Andrée Champagne . . . . .   | 1863 | Hon. Pierre De Bané . . . . .  | 1868 |
| <b>The Honourable Anne C. Cools</b>   |      | Hon. Marjory LeBreton . . . . .  | 1868 |
| <b>The Honourable Donald H. Oliver</b>  |      | <b>Delayed Answer to Oral Question</b>   |      |
| Hon. Don Meredith . . . . .   | 1863 | Hon. Gerald J. Comeau . . . . .  | 1868 |
| <hr/>   |      | <b>Fisheries and Oceans</b>  |      |
| <b>ROUTINE PROCEEDINGS</b>  |      | Repairs to New Brunswick Harbours.   |      |
| <b>The Estimates, 2011-2012</b>   |      | Question by Senator Losier-Cool.   |      |
| Parts I and II Tabled.  |      | Hon. Gerald J. Comeau (Delayed Answer) . . . . .   | 1868 |
| Hon. Gerald J. Comeau . . . . .   | 1864 | <b>Bill Protecting Children from Online Sexual Exploitation (Bill C-22)</b>                      |      |
| <b>Indian Affairs and Northern Development</b>  |      | Fifteenth Report of Legal and Constitutional Affairs<br>Committee Presented.                     |      |
| Nisga'a Final Agreement—2008-09 Annual Report Tabled.   |      | Hon. Joan Fraser . . . . .   | 1869 |
| Hon. Gerald J. Comeau . . . . .   | 1864 | <b>Legal and Constitutional Affairs</b>  |      |
| <b>Libya</b>  |      | Notice of Motion to Authorize Committee to Meet During<br>Sitting and Adjournment of the Senate. |      |
| Regulations Implementing the United Nations Resolution on<br>Libya and Taking Special Economic Measures and the Special<br>Economic Measures Permit Authorization Order Tabled. |      | Hon. Joan Fraser . . . . .   | 1869 |
| Hon. Gerald J. Comeau . . . . .   | 1864 | <hr/>  |      |
| <b>The Estimates, 2011-12</b>   |      | <b>ORDERS OF THE DAY</b>   |      |
| Notice of Motion to Authorize National Finance<br>Committee to Study Main Estimates.  |      | <b>Electricity and Gas Inspection Act</b>  |      |
| Hon. Gerald J. Comeau . . . . .   | 1864 | <b>Weights and Measures Act (Bill C-14)</b>  |      |
| Notice of Motion to Refer Vote 10 to the Standing Joint<br>Committee on the Library of Parliament.  |      | Bill to Amend—Third Reading—Debate Adjourned.  |      |
| Hon. Gerald J. Comeau . . . . .   | 1864 | Hon. Stephen Greene . . . . .  | 1869 |
| <hr/>   |      | Hon. Céline Hervieux-Payette . . . . .   | 1871 |
|   |      | Hon. Fernand Robichaud . . . . .   | 1871 |
|   |      | Hon. Mac Harb . . . . .  | 1871 |
|   |      | Motion in Amendment.   |      |
|   |      | Hon. Mac Harb . . . . .  | 1873 |
|   |      | Hon. Gerald J. Comeau . . . . .  | 1873 |
|   |      | <b>Criminal Code</b>   |      |
|   |      | <b>National Defence Act (Bill C-48)</b>  |      |
|   |      | Bill to Amend—Second Reading.  |      |
|   |      | Hon. George Baker . . . . .  | 1873 |
|   |      | Referred to Committee . . . . .  | 1875 |



|  | PAGE |
|--|------|
| <b>Immigration and Refugee Protection Act (Bill C-35)</b>  |      |
| Bill to Amend—Second Reading.                              |      |
| Hon. Mobina S. B. Jaffer .....                             | 1876 |
| Hon. Nicole Eaton .....                                    | 1877 |
| Referred to Committee .....                                | 1877 |
| <b>Selection of Senators Bill (Bill S-8)</b>               |      |
| Second Reading—Debate Continued.                           |      |
| Hon. Andrée Champagne .....                                | 1877 |
| Hon. Joan Fraser .....                                     | 1879 |
| Hon. Claude Carignan .....                                 | 1879 |
| Hon. Art Eggleton .....                                    | 1882 |
| <b>Corrections and Conditional Release Act (Bill C-59)</b> |      |
| Bill to Amend—Second Reading—Debate Adjourned.             |      |
| Hon. Larry W. Smith .....                                  | 1882 |
| <b>Canada Pension Plan (Bill S-223)</b>                    |      |
| Bill to Amend—Second Reading—Point of Order—               |      |
| Speaker's Ruling Reserved.                                 |      |
| Hon. Gerald J. Comeau .....                                | 1884 |

|   | PAGE |
|---|------|
| Hon. Claudette Tardif .....                     | 1885 |
| Hon. Catherine S. Callbeck .....                | 1886 |
| <b>Canada Post Corporation Act (Bill S-219)</b> |      |
| Bill to Amend—Second Reading.                   |      |
| Hon. Michael L. MacDonald .....                 | 1887 |
| Referred to Committee .....                     | 1889 |
| <b>Criminal Code (Bill S-204)</b>               |      |
| Bill to Amend—Second Reading—Debate Continued.  |      |
| Hon. Gerald J. Comeau .....                     | 1889 |
| <b>Government Promises</b>                      |      |
| Inquiry—Debate Continued.                       |      |
| Hon. Nicole Eaton .....                         | 1889 |
| <b>Keeping Canadians Safe Bill (Bill S-13)</b>  |      |
| Sixth Report of National Security and Defence   |      |
| Committee Presented.                            |      |
| Hon. Pamela Wallin .....                        | 1891 |
| <b>Appendix</b> .....                           | i    |







*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5





CANADA



# Debates of the Senate

---

3rd SESSION

•

40th PARLIAMENT

•

VOLUME 147

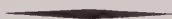
•

NUMBER 90

---

OFFICIAL REPORT  
(HANSARD)

Wednesday, March 2, 2011



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>





## THE SENATE

Wednesday, March 2, 2011

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### THE LATE HONOURABLE SHAHBAZ BHATTI

**Hon. Salma Ataullahjan:** Honourable senators, it is with deep regret that I stand here today to commemorate the inspirational life of my good friend Shahbaz Bhatti, who was assassinated in Pakistan today. It is reported that al Qaeda and the Taliban are taking credit for this deplorable act.

As Pakistan's Minorities Minister, Mr. Bhatti was a tireless campaigner against the unjust blasphemy laws that suppress Pakistan as a nation. I had the opportunity to meet with Mr. Bhatti on numerous occasions, including as recently as a couple of weeks ago here in Ottawa.

He was dedicated to human rights not only in Pakistan but around the world, including in Canada. When he visited Canada last year, he condemned violence against Sikhs in Pakistan and pledged to "stop atrocities" against their community. Only last month, during a visit to Minister Jason Kenney's office, he reiterated his dedication to continue fighting for the oppressed and the marginalized.

As Canadians, we can deeply appreciate his courage to stand up for what he knew was right. Mr. Bhatti was aware there were threats against his life from al Qaeda and the Taliban. Often, he would say, "When I am killed," when we spoke to him, as though he knew it was a certainty. The world is poorer for having lost a courageous man who paid the ultimate price for his beliefs.

If there is one thing Canadians can learn from Shahbaz Bhatti, and one way we can pay tribute for all that he has done for human rights, it is that we should never be intimidated to stand up for what we believe in. Let us hope that others like Shahbaz Bhatti come forward in these dark times to continue his cause.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the visitors in our gallery. It is fortuitous that we have this opportunity, given that the past few weeks have marked Black History Month as well as the anniversary of the death of Martin Luther King. In the gallery are members of the Martin Luther King Coalition and the DreamKEEPERS, including Daniel Stringer, Sarah Onyango, Dr. Peter Stockdale, Vanessa Modeste Doherty and Aryn Keshavjee.

On behalf of all honourable senators, welcome to the Senate of Canada.

**Hon. Senators:** Hear, hear!

#### THE HONOURABLE DONALD H. OLIVER

#### CONGRATULATIONS ON MARTIN LUTHER KING LIFE ACHIEVEMENT AWARD

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to congratulate my friend and colleague, Senator Donald Oliver. This is a week of celebrating Senator Oliver's work. On January 15, 2011, Senator Oliver received the Martin Luther King Life Achievement Award from DreamKEEPERS.

Senator Oliver was appointed to the Senate of Canada over 20 years ago. During his time in the Red Chamber, he has fought tirelessly for the rights and interests of minority groups in Canada, and has been an active member of over a dozen Senate committees. Prior to his appointment to the Senate, he was a barrister, teacher, entrepreneur, advocate and statesman.

Throughout his career, he has demonstrated, and continues to demonstrate, his commitment to guaranteeing equality for all Canadians. Most recently, Senator Oliver raised \$500,000 to lead the first national study conducted in Canada that proves the business case for diversity. It is because of the great work that Senator Oliver has accomplished, and that he continues to accomplish, both inside and outside this chamber that he has received this great honour.

Unfortunately, Senator Oliver was unable to receive this award in person as he was in the Middle East on an official visit as a member of the Canadian parliamentary delegation with His Honour, Speaker Kinsella. However, I had the honour of receiving this award on his behalf.

• (1340)

After spending the evening hearing about all the wonderful work Senator Oliver has done for both his province of Nova Scotia and the nation at large, I felt that he deserved to receive this honour in person. Earlier this afternoon, honourable senators had the pleasure of being present at a ceremony held in the Speaker's office, where His Honour formally presented this prestigious award to Senator Oliver.

It was a touching ceremony and I am pleased that Senator Oliver has received the recognition that he so rightly deserves. In his acceptance speech, which I had the pleasure of delivering, Senator Oliver quoted Martin Luther King, who once said:

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

Senator Oliver, I am certain all honourable senators will join me in saluting you for the diligent work you do to ensure that Dr. King's dream becomes a reality.

Honourable senators, please join me in congratulating Senator Oliver for receiving the Martin Luther King Life Achievement Award.

**Hon. Senators:** Hear, hear!

[Translation]

## NEW BRUNSWICK

### 2010 IAAF WORLD JUNIOR CHAMPIONSHIPS

**Hon. Percy Mockler:** Honourable senators, I cannot go without highlighting a major event that took place at the Université de Moncton stadium. I would like to congratulate the organizing committee of the IAAF World Junior Championships that were held there in July 2010.

[English]

Honourable senators, this world stage event was indeed a great success. With an economic impact of \$127.5 million, these international junior games were very beneficial to the economies of both New Brunswick and Atlantic Canada.

[Translation]

Over 2,000 participants from around the world had a chance to visit Moncton and the region during the World Junior Championships. This high-level sporting event put Moncton and New Brunswick on the radar of media from around the world.

I would like to thank all of the volunteers and organizers who helped make this event a huge success. The president of the organizing committee, Larry Nelson, can be proud of the work done by all these dedicated individuals.

[English]

Honourable senators, Mr. Lamine Diack, president of the International Association of Athletics Foundation, was very proud of the success of what he referred to in his report as the wonderful celebration of the world junior championships that took place in July in Moncton, an event which was attended by Canada's Prime Minister, the Right Honourable Stephen Harper.

[Translation]

One thing is certain: New Brunswick, Acadia and Moncton will remember these World Junior Championships for a long time to come. Honourable senators, let us hope that the success of these games will inspire new projects.

On behalf of all the senators from New Brunswick, thank you, Moncton, for a job well done.

We tip our hats to you. Congratulations.

[English]

## CANADIAN VOLUNTEER SERVICE MEDAL

**Hon. Pamela Wallin:** Honourable senators, I rise today to pay tribute to Joyce Dann Robertson, who grew up on a farm just outside of Wadena, Saskatchewan, my hometown. I also want to pay tribute to the efforts of so many who harnessed today's technology to bring together four generations to celebrate a war hero. This is a story of a series of serendipitous moments and encounters.

I was attending a ceremony last fall to honour those fallen soldiers from Saskatchewan who had served in Afghanistan. While there, a local military historian approached and asked if I knew that a woman from my hometown was one of the seven marching figures — representing the women and men of the army, air force, navy and nursing service — engraved on the face of the Canadian Volunteer Service Medal. This medal is presented to all who serve.

I was not sure of her name; he was not sure of her name; but we set about using the Internet and mining the memories of our Second World War veterans in Wadena. It was 90-year-old veteran Mike Sowa who remembered a young beautiful neighbour girl named Joyce Dann.

Joyce spent her adult life in British Columbia and now lives in Stoney Creek, Ontario, with her son, Wayne, and daughter-in-law, Linda. Just before Christmas, we traced her there and I went out to meet her. It was a great moment for both of us.

Shy and humble and still a beautiful woman, Joyce shunned the moniker "hero," and says she was just at the right place at the right time to be chosen for a place on the medal. Again, serendipity.

Honourable senators, it turns out that in many moves, though, she had lost her own medal. Veterans Affairs agreed to strike a new medal for her and we conspired to have a presentation ceremony. Royal Canadian Legion Branch 622 in Stoney Creek stepped up, as did my alma mater, the Wadena Composite High School and, of course, Royal Canadian Wadena Branch 62.

Through the magic of Skype and a little tutoring from my young niece, Courtney, we connected Joyce with her hometown. The high school kids were enthralled with the story of their hometown hero and soon were asking the local veterans to show their medals and tell their stories. Using 21st century technology, four generations came together. It was a powerful connection between today's students and yesterday's warriors.

There was not a dry eye in the place, as veteran Mike touched the medal on his heart and said to Joyce that he had worn her so close to his heart for 68 years without ever knowing it was his childhood friend. Then he looked at the computer screen to her thousands of miles away and said "you are still as beautiful."

Serendipity, technology, and the compelling story of our war heroes all merged for a moment of history in the making.



## THE LATE HONOURABLE SHAHBAZ BHATTI

**Hon. Don Meredith:** Honourable senators, I rise today to also declare my support for Mr. Shahbaz Bhatti. I was saddened to hear this morning of the assassination of Pakistani Minority Minister Shahbaz Bhatti.

I had the occasion, along with Immigration Minister Jason Kenney and others, to meet with Minister Bhatti on February 7 during his recent visit to Ottawa. In his cabinet capacity, Minister Bhatti brought leadership in his nation to the daunting task of protecting the human rights of Christians and other minorities. As the only Christian in the largely Islamic cabinet of the ruling Pakistan Peoples Party, he had received death threats for urging reform to the blasphemy laws.

As a Christian pastor and community leader who has worked with leaders of many faiths in Toronto on issues related to violence prior to my appointment to the Senate, I can identify with Minister Bhatti's deep commitment to helping people of diverse faiths and groups to work together.

Honourable senators, as a senator in the Parliament of Canada and with my experience working with the outcomes of youth violence in Canada's largest cities, I want to support in the strongest possible terms a motion in the other place. In particular, the motion that calls for the government of Pakistan to take immediate action against those who would harm and threaten defenders of religious freedom and human rights and repeal its blasphemy laws.

Honourable senators, I ask you to join me today in lending your voices to this cause.

## DIVERSITY, PLURALISM AND MULTICULTURALISM

**Hon. Donald H. Oliver:** Honourable senators, I rise to call your attention to Canada's success in matters of diversity, pluralism and multiculturalism.

Honourable senators may ask why are so many of Europe's most influential leaders publicly criticizing multiculturalism?

In October of 2010, German Chancellor Angela Merkel said:

... the idea of people from different cultural backgrounds living happily side by side did not work. This multicultural approach has failed, utterly failed.

Last month, British Prime Minister David Cameron said:

Under the doctrine of state multiculturalism, we have encouraged different cultures to live separate lives, apart from each other and the mainstream. We have failed to provide a vision of society to which they feel they want to belong.

[Translation]

Even the French President, Nicolas Sarkozy, spoke on this topic during a recent interview. When asked whether multiculturalism had failed, he said, "My answer is clearly yes, it is a failure."

[English]

Even the Council of Europe agrees. Secretary General Jagland believes:

... multiculturalism allows parallel societies to develop within states and this must be stopped.

• (1350)

Honourable senators, the current Aga Khan, the spiritual leader of the Ismaili sect, once noted:

People mix and mingle, side by side, to an extent unimaginable... the world is becoming more diverse and pluralistic in fact — but it is not keeping pace in spirit.

This view is consistent with what Nobel economist, Amartya Sen, calls "plural monoculturalism — groups that live together side by side but do not touch, fostering resentments based on historical grievances."

Chancellor Merkel, Prime Minister Cameron, President Sarkozy and other European politicians argue that having diverse communities living side by side damages national identity.

In Canada, as Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism, believes, we have been more successful generally than the Western European countries. Prime Minister Harper once said: "Canada's diversity, properly nurtured, is our greatest strength."

Multiculturalism is indeed one of our country's many success stories. We have established such laws as the Canadian Multiculturalism Act, which celebrated its fortieth anniversary this year, to help us to advance diversity, equality and integration, and to prevent racism and discrimination. Things are not perfect, and never will be so, but Canada's achievements in this respect are laudable.

Last week the British Council and the Migration Policy Group published its Migrant Integration Policy Index. International researchers ranked Canada third in its efforts to help newcomers integrate both economically and culturally into our society. One of the noteworthy observations was that our new citizenship guide introduced by Minister Kenney in 2010 was described as "the most professional" in all countries.

Honourable senators, these encouraging results show us that multiculturalism is working at home. However, we must continue to execute Canada's diversity agenda, welcome skilled immigrants to our country, and embrace the benefits of diversity and immigration as much-needed agents of positive change in our country. Long-term sustainability of Canada's diversity policies is reliant upon commitment by all Canadians.

[Translation]

## ROUTINE PROCEEDINGS

## LABOUR

CANADIAN POSITION WITH RESPECT TO  
CONVENTIONS AND RECOMMENDATIONS ADOPTED  
AT THE JUNE 2003, 2004, 2006 AND 2007 SESSIONS OF  
THE INTERNATIONAL LABOUR  
CONFERENCE—REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, pursuant to article 19 of the International Labour Organization Constitution, I have the honour to table, in both official languages, a document entitled: *Canadian Position with Respect to Conventions and Recommendations adopted at the 91st (June 2003), 92nd (June 2004), 95th (June 2006) and 96th (June 2007) sessions of the International Labour Conference held in Geneva, Switzerland.*

[English]

INTERNAL ECONOMY, BUDGETS  
AND ADMINISTRATION

## THIRTEENTH REPORT OF COMMITTEE PRESENTED

**Hon. David Tkachuk,** Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Wednesday, March 2, 2011

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

## THIRTEENTH REPORT

Your Committee has approved the Senate Main Estimates for the fiscal year 2011-2012 and recommends their adoption. (Annex A)

Your Committee notes that the proposed total budget is \$93,956,182.

An overview of the 2011-2012 budget will be forwarded to every Senator's office.

Respectfully submitted,

DAVID TKACHUK  
Chair

(For text of report, see today's Journals of the Senate, Appendix, p. 1255.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Tkachuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

## CANADA-AFRICA PARLIAMENTARY ASSOCIATION

BILATERAL VISIT, JANUARY 16-22, 2011—  
REPORT TABLED

**Hon. A. Raynell A. Andreychuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Africa Parliamentary Association respecting its Bilateral Visit to Nigeria, Ghana, and Togo, held in Abuja, Nigeria, Accra, Ghana, and Lomé, Togo, from January 16 to 22, 2011.

## THE SENATE

NOTICE OF MOTION TO RECOGNIZE  
THE ONE HUNDREDTH ANNIVERSARY  
OF INTERNATIONAL WOMEN'S DAY

**Hon. Linda Frum:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate recognize the 100th anniversary of International Women's Day and reconfirm its commitment to the Charter's principles of equality and fairness for women and girls in Canada.

## QUESTION PERIOD

## FOREIGN AFFAIRS

## CONVENTION ON CLUSTER MUNITIONS

**Hon. Elizabeth Hubley:** Honourable senators, my question is for the Leader of the Government in the Senate. Twelve years ago yesterday, the Convention on the Prohibition on the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, also known as the Ottawa Convention, came into force as a binding international law. Back then, Canada was known around the world as a leader in land mine awareness and action. Today, we are a silent shadow of the force we once were.

While 51 other countries have ratified the United Nations Convention on Cluster Munitions, Canada has not. Last March in this chamber, when I asked why Canada had not ratified this convention, Senator LeBreton assured me that preparations for ratification were underway. In November when I rose again to ask the leader about the timeline for this ratification, she responded with the same placating assurances.

Canadians are tired of empty promises. When will we finally ratify the UN Convention on Cluster Munitions? Why have we not ratified the convention yet?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. My answer is much the same as the one I gave before.



The government was extremely active in the negotiation of the UN Convention on Cluster Munitions in 2008. We were pleased to be among the first countries that signed the convention in Oslo in December 2008.

I reported to the honourable senator previously that preparations and negotiations have been under way, and are ongoing, to seek ratification of this treaty. We believe, as the honourable senator believes, that cluster munitions pose a grave humanitarian threat to civilians and a serious obstacle to sustainable development.

As a signatory to the UN convention, Canada supports a total ban on all cluster munitions as defined in the convention. As the honourable senator is aware, Canada has never produced or used cluster munitions, and is in the process of destroying its complete stockpile of these munitions.

**Hon. Roméo Antonius Dallaire:** Honourable senators, if that is the case, what actions does the leader think the government should take, given that Canada has allies using such munitions in operations, and even against civilians? For example, those weapons are in the inventory of the Israeli Army and were used in Gaza.

**Senator LeBreton:** I will answer the honourable senator's question but I will not repeat my response to Senator Hubley. Canada's position is clear. As Leader of the Government in the Senate, I will not wade into the affairs of other nations.

• (1400)

## PRIVY COUNCIL OFFICE

### USE OF THE PRIME MINISTER'S OFFICE

**Hon. Terry M. Mercer:** Honourable senators, over the past few weeks, many of us have noticed a large number of Government of Canada advertisements on television. Some of them are the ones on the last budget, while others are paid political advertisements on behalf of the Conservative Party.

Of special interest to me is one that features the Right Honourable Stephen Harper having a cup of coffee. He seems to be working on files, walking down the hall, and enjoying life. The advertisement is supposed to make us all feel good.

I think Canadians will feel a little better if the answer to my question is "yes."

Will the honourable Leader of the Government in the Senate tell us whether the Conservative Party of Canada paid the Government of Canada for the use of the Prime Minister's Office on the third floor of the Centre Block of the House of Commons?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I am happy to report to Senator Mercer that those advertisements do make me feel good. They are paid for by the Conservative Party of Canada. I think there is a subtle message in that advertisement that the Prime Minister is a Beatles fan. He is drinking out of a mug with the faces of the Beatles on it.

The Parliament buildings are public buildings. I would be careful if I were Senator Mercer, because he was the national director of the Liberal Party. I can remember at least five occasions when the Liberal Party of Canada launched its campaign on the steps of Parliament Hill.

**Senator Mercer:** Is it not interesting that our honourable Leader of the Government brought up that point? It is purely by accident that I asked this question.

Honourable senators, in the days when I was national director of the Liberal Party and Mr. Chrétien was Prime Minister of Canada, the Liberal Party shot two television advertisements on property owned by the Government of Canada. The first featured Mr. Chrétien and Mr. Martin at Harrington Lake. It was a nice advertisement that made Canadians feel good. The second was filmed at 24 Sussex Drive.

The Liberal Party of Canada reimbursed the people of the country for the use of Harrington Lake and 24 Sussex Drive for those advertisements. I know that because I signed the cheque.

Can the Leader of the Government in the Senate tell us that the Conservative Party of Canada paid for the use of the Prime Minister's Office and the hall on the third floor of the House of Commons to film a partisan advertisement on behalf of the Conservative Party of Canada?

**Senator LeBreton:** Perhaps Senator Mercer should ask his people where the \$40 million is that still has not been reimbursed from the sponsorship scandal.

**Senator Mercer:** It speaks volumes that the leader has ignored the question. Has the Conservative Party once again ripped off the Canadian people by using the office of the Prime Minister and the hall of the third floor of the House of Commons for partisan purposes by filming partisan political advertisements, and not reimbursing Canadians for the use of those facilities?

**Senator LeBreton:** Honourable senators, the difference between the party that I am honoured to be part of, and the party that Senator Mercer was the national director of, is that our responsibilities are taken seriously. Our party's funds are spent diligently and carefully. Cash is not put in brown envelopes and fed out the back door to our friends.

**Senator Mercer:** I am sorry, did the Leader of the Government say, "brown envelopes"? Honourable senators, I am beside myself to know that the leader would mention those two words in this place. Her good friend is the former Prime Minister and king of the brown envelopes, Brian Mulroney, who took hundreds of thousands of dollars from Karlheinz Schreiber. That statement baffles me.

The fact is that partisan political advertisements were filmed in the parliamentary precincts at the office of the Prime Minister on the third floor of the House of Commons and in the corridor — he was walking down the corridor. I have no objection to him having filmed the advertisement there. What I object to, and what the Canadian people would object to, is that he did not pay for the use of the facility to film those advertisements.

When we made those two particular advertisements to which I referred, the one with Mr. Martin and Mr. Chrétien at Harrington Lake and the one at 24 Sussex, we did not wait for a question in the Senate or House of Commons; we assumed our responsibility. We were using this government facility for partisan purposes so we paid for that use.

Did the Conservative Party pay for this facility or did they not?

**Senator LeBreton:** Honourable senators, speaking as the Leader of the Government in the Senate, everything that the Conservative Party does is done legally. It is above board and openly reported.

[Translation]

## INDIAN AND NORTHERN AFFAIRS

### NUTRITION NORTH CANADA

**Hon. Lucie Pépin:** My question is for the Leader of the Government in the Senate. The first phase of the Nutrition North Canada program began on October 3, 2010. This new program no longer subsidizes the cost of sending canned goods, rice, pasta, coffee and soap to communities in the North. As a result, the cost of those basic consumer goods has become excessive.

According to the government's backgrounder, even without a subsidy, these categories would remain affordable because sealift and winter ice roads cost significantly less.

Despite two and half years of consultations to design the program, something is definitely wrong. Why is it that the burden on northern communities is being increased, rather than lessened?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, that is a good question and it is well intended.

We are implementing changes to improve the effectiveness of the food subsidy program in the North. Under Nutrition North Canada, our government will ensure that Canadians living in isolated northern communities have access to nutritious, quality foods. This program is based on an extensive engagement with northerners. Various groups have participated in the development of the program. There are a few growing pains in the implementation of the policy. If changes are needed, the government will make them to correct the situation.

[Translation]

**Senator Pépin:** We know that the program ends on April 1, 2011. During Prime Minister Harper's visit to Val-d'Or last Friday, he said he was open to making changes in the program, and the minister, John Duncan, reiterated the same willingness.

Since the program expires on April 1, what solutions does the government plan to implant in the short term, until the negative impact of the program can be properly assessed?

• (1410)

[English]

**Senator LeBreton:** Honourable senators, first, the program that was in place for many years was incredibly expensive and inefficient. We listened to our northern advisers.

When one changes a program that has been in place for 40 years and switches to a program which has been praised widely, there are a few logistical problems. There are concerns about delivery, as the Prime Minister said on Friday, and I thank Senator Pépin for pointing that out.

As Minister Duncan said, we are aware of these logistical challenges. We know the switchover is taking place at the beginning of April and we will do everything possible to address these concerns.

## STATUS OF WOMEN

### NATIONAL VIOLENCE PREVENTION STRATEGY

**Hon. Catherine S. Callbeck:** Honourable senators, my question is directed to the Leader of the Government in the Senate. In November 2008, roughly two and half years ago, the other place unanimously adopted a motion for the federal government to develop a national violence prevention strategy to deal with the growing number of victims of violence against women.

We all know that this continues to be a serious problem in the country. In fact, according to Statistics Canada, over half of Canadian women — 51 per cent — have been victims of at least one act of violence since the age of 16.

Why has the government not developed a comprehensive strategy that would help prevent violence against women?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I thank the senator for the question. The Government is well aware of the seriousness of this situation.

Since 2007, honourable senators, Status of Women Canada has invested more than \$30 million in funding for projects to end violence against women and girls. With the \$10 million investment announced last year, we are taking concrete steps to address the disturbingly high number of missing and murdered Aboriginal women.

Of course, we have worked very closely with our partners in making improvements in the justice system, victims' services and community safety programs.

**Senator Callbeck:** Honourable senators, the leader says that she is aware of violence against women, and she has given a few examples of things that the government has done. However, I am asking about a comprehensive plan that addresses the issue as a whole and helps to combat this terrible problem.

The most recent report from Statistics Canada on family violence states that in 2009 more than 600,000 Canadian women reported being physically or sexually victimized by their partner



or spouse in the previous five years. That is totally unacceptable. It has been roughly two and a half years since the other place unanimously passed a motion for the government to develop a strategy.

Does the government have any plans to bring forward a detailed plan to prevent violence against women? If so, when can we expect it?

**Senator LeBreton:** Honourable senators, Senator Callbeck is quite wrong to suggest that the government is not dealing with this serious issue. I will be very happy to provide her with a long list of initiatives the government has taken. For example, one of the things that the government did was end the house arrest component for those offences.

As Senator Callbeck knows, every department has programs, whether it is Status of Women, Citizenship and Immigration, Justice, Public Safety, or Indian and Northern Affairs.

One department that played a role is the Department of Citizenship and Immigration. When we rewrote the citizenship guidebook for people coming to Canada, we put very explicit words in that text regarding what would not be tolerated in Canada when it comes to violence against women.

**Senator Callbeck:** Honourable senators, I am glad that the government has taken some initiatives. However, does the government have any plans to bring in a detailed plan to prevent violence against women? If so, when is that expected?

**Senator LeBreton:** Honourable senators, I just responded to that question. This is a serious criminal offence. Many departments, including the Departments of Justice and Public Safety, have laws and plans in place to deal with this serious issue.

This is a serious crime. It is a criminal offence. This is why the government is taking measures to get tough on these criminals to ensure that they pay properly for these crimes.

Obviously, one part of our plan is the tougher sentencing for people who commit these acts of violence.

It has been a serious problem for years. To suggest, as Senator Callbeck is trying to do — and of course it will end up being in an article in *The Guardian* in Prince Edward Island — that this government does not take this issue seriously is an insult not only to Canadians, but to all people on this side of the chamber, including the women.

## HERITAGE

### CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION APPOINTMENT OF VICE-CHAIRPERSON

**Hon. Pierre De Bané:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. I asked her over a week ago for the date when Mr. Pentefountas met with the committee of four people who interviewed him for the position of Vice-Chairperson. Is the leader in a position today to give us the date that meeting was held?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I thank the senator for the question. I am amazed that he is so obsessed with the appointment of Mr. Pentefountas. I will only state the facts of the matter.

Mr. Tom Pentefountas went through an independent, open selection process through the Department of Canadian Heritage. He is an outstanding citizen; he is a qualified individual; and he will make a positive contribution to the board. The government is both glad and proud we made the appointment.

As far as providing Senator De Bané with details of when meetings took place, I am not sure that information is readily available and I will not commit to giving a definitive answer. However, if such an answer is possible, I will do my best to provide it.

**Senator De Bané:** Honourable senators, the leader says she is amazed at my interest in that issue. May I remind her of one of the 38 competencies enumerated in the notice for the position, which was published in the *Canada Gazette*.

• (1420)

It reads as follows:

... as well as the sectors under the CRTC's responsibilities is necessary. The selected candidate should also be knowledgeable of the regulatory environment in which the broadcasting and telecommunications industries operate in Canada ...

Those two sectors make up \$60 billion in the Canadian economy. If I may continue, an earlier paragraph of that notice reads as follows:

Reporting to the Chairperson of the CRTC, the Vice-Chairperson ... assuming responsibility for broadcasting issues ...

This is the responsibility of the person who deals with the broadcasting issues of this country and, when someone tells me that an independent committee has selected him to be the best, that is beyond belief.

**Senator LeBreton:** Honourable senators, what is beyond belief is Senator De Bané's refusal to acknowledge that Mr. Pentefountas has qualifications. I think it is quite improper for anyone to suggest that an individual who has gone through a selection process somehow or other is not in a position to be knowledgeable about the position he has just been appointed to. That is quite a stretch.

**Senator De Bané:** Is the leader suggesting that Mr. Pentefountas has an understanding of the relevant global, societal and economic trends, shareholders' concerns and the government's agenda? Does she really think that someone who is a competent criminal lawyer can overnight become an instant expert in one of the most complex industries around? She should read the 38 criteria for those who apply.

I again tell the leader that I have never seen anything like this.

Just to make things clearer for her understanding, let me read to her from the appointment provisions of the Royal Canadian Mint, which manufactures pennies and other coins. It reads as follows:

Each director . . . must have experience in the field of metal fabrication or production, industrial relations or a related field.

Damn it, if to produce currency and pennies they need at least that many qualifications, then, for a matter like broadcasting, I submit that the candidate selected should have more qualifications than just being remotely controlled by the PMO.

**Senator LeBreton:** The honourable senator asked if I was suggesting that this gentleman had the proper qualifications for this position. That is exactly what I am suggesting and that is exactly what the government is suggesting. That is exactly why this individual went through an independent, open selection process through the Department of Canadian Heritage.

I have every confidence, as do my colleagues in the government, that he will be a strong member of the board and make a great contribution in his public service to the country.

**Senator De Bané:** I will tell the leader something that she should know, although I am sure she already knows it. Members of the industry — knowing that he is just a mouthpiece for the PMO — cannot speak, but they are furious.

**Some Hon. Senators:** Oh, oh.

**An Hon. Senator:** Shame!

**Senator De Bané:** They are absolutely furious, so much so that on November 25 in Calgary, when they heard that he might be appointed, there was an absolute uproar with phone calls to the minister, who excused himself by saying he had nothing to do with it.

That being said, let me tell the leader what I have been told by the CRTC. They consider that appointment as being offensive. That is what it is.

**Some Hon. Senators:** Oh, oh.

**Senator Tkachuk:** Who told you that?

**Senator LeBreton:** I think the comments Senator De Bané made in this intervention are most unfortunate, most unbecoming of the Senate and most unbecoming in judging a fellow Canadian who went through a selection process. To suggest these things, as the honourable senator has — and I will not even repeat what he suggested — I think really lowers the level of discourse in this place to a new low.

**Senator De Bané:** Honourable senators, does the leader have the audacity to say that a criminal lawyer could apply to a large legal firm and say, “I would like to be part of your group that deals with broadcasting and telecommunications,” and that he would even be considered for that position?

**Senator LeBreton:** Honourable senators, I absolutely would have the audacity to say such a thing, just as I, who was raised on a dairy farm, milked cows, went to 4-H clubs and started off as a secretary, find myself very qualified to serve in the Senate of Canada.

**Some Hon. Senators:** Hear, hear!

**Senator De Bané:** Honourable senators, I just want to say one thing. The fact that we appoint someone —

**The Hon. the Speaker:** Order. I regret to advise the house that the time for Question Period has expired.

[Translation]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, pursuant to rule 27(1), I wish to inform the Senate that, when we proceed to Government Business, the Senate will address the items in the following order: third reading of Bill C-22, second reading of Bill S-8, second reading of Bill C-59, second reading of Bill C-30, second reading of Bill C-21, Motion No. 32, Motion No. 33, consideration of the sixth report of the Standing Senate Committee on National Security and Defence, Bill S-13; and third reading of Bill C-14.

I would like to take this opportunity to ask leave of the Senate to move to Motion No. 95, under Motions on the *Order Paper and Notice Paper*, so that we can consider it now.

[English]

### LEGAL AND CONSTITUTIONAL AFFAIRS

#### COMMITTEE AUTHORIZED TO MEET DURING SITTING AND ADJOURNMENT OF THE SENATE

Leave having been given to proceed to Motions, Item No. 95:

**Hon. Joan Fraser,** pursuant to notice of March 1, 2011, moved:

That, until March 24, 2011, for the purposes of its consideration of government bills, the Standing Senate Committee on Legal and Constitutional Affairs:

- a) have power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto; and
- b) be authorized, pursuant to rule 95(3)(a), to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week.



**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Lowell Murray:** Honourable senators, I just noticed this motion. I wanted to ask the Chair of the Legal Committee whether she would indicate which government bills are at issue here and whether all of them have already been referred to the committee.

**Senator Fraser:** There are, as Senator Murray is aware, quite a number of government bills lining up for the Standing Senate Committee on Legal and Constitutional Affairs. This motion takes into account the bill that we will begin study of this evening and the likelihood that other bills will be arriving in very short order before the committee.

• (1430)

Honourable senators, it seemed easier to put one motion rather than present one motion for extended sitting hours tonight, which we need for the bill now before us, which is Bill C-48, and then come back with another motion to do the same thing for other bills. One motion would cover our extended hearings this evening on Bill C-48 and, as necessary, extend hearings on other bills that are coming at us at the speed of a freight train.

**Senator Murray:** Honourable senators, I appreciate the chair's response. I find it extraordinary that this permission should be given in respect of bills that have not yet left the chamber or been referred. I would like the honourable senator to explain the urgency concerning these bills and the reason for the date of March 24. If the honourable senator is unable to give an explanation, perhaps she can tell us who can give us one. I assume that the committee will not be sitting during the March break.

**Senator Fraser:** Honourable senators, there are no plans to sit during the March break, but we need to address the rule about sitting when the Senate is suspended, not sitting for a period of more than one week. We need to have permission if we wish to sit even briefly, for example, on Friday of the week preceding the break or on Monday or Tuesday morning of the week after the break. There are no plans to sit during the break week.

Honourable senators, the bills in question are Bill C-21, Bill C-59 and Bill C-30. Some of these bills are very small and straightforward, and some are less straightforward.

**Senator Murray:** Honourable senators, I thank the chair. I will accept that explanation, of course, having no choice, and remark simply that as an independent senator I am always suspicious about the appearance of collusion between the major parties.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** On division.

(Motion agreed to, on division.)

## BILL PROTECTING CHILDREN FROM ONLINE SEXUAL EXPLOITATION

### THIRD READING DEBATE ADJOURNED

**Hon. Bob Runciman** moved third reading of Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

He said: Honourable senators, I rise today to speak at third reading of Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

As we all know, the Internet has brought us many benefits, as it connects the world, provides access to information, expands knowledge and enriches lives. In recent weeks, we have seen its power harnessed in pursuit of freedom in repressive corners of the world. It is equally powerful when put to work by darker forces, such as those individuals who abuse children in the most disgusting ways, for their own pleasure and profit.

Honourable senators, child pornography is a worldwide problem. It is a multi-billion dollar industry that preys on society's most vulnerable members, our children and grandchildren. It is also a Canadian problem. An analysis of websites in a 2009 report by the Canadian Centre for Child Protection found Canada in the top five of countries hosting websites containing child pornography.

Calling it child pornography does not do it justice. It implies that it is an image, a photograph, or video only, rather than reality. These images are of real children, real victims — many of them Canadians. In addition to being pornography, this is child abuse of the most heinous kind.

As members of the Standing Senate Committee on Legal and Constitutional Affairs studying this bill, we were spared the horror of these images, but we were given clear indications of the alarming scope of this problem.

Honourable senators, there are more than 5 million distinct images of child abuse on the Internet at any given time. Worldwide, there are 500,000 individuals involved in the traffic of child sexual abuse images with 83 per cent of the victims 12 years of age or younger. Honourable senators, nearly 1 in 4 of those victims is aged 3 to 5 years. We heard of an arrest last summer involving a 4-year-old victim from the Ottawa area. More than 80 per cent of these images involve significant abuse.

The trafficking of child sexual abuse images is a growing problem, aided and abetted by the growth of the Internet, which allows proliferation and the sharing of these ghastly images among rings of pedophiles and profiteers.

Bill C-22 aims to address this problem, in at least one specific way, by placing an obligation on the providers of Internet services to report child pornography when they discover it or are tipped off about it, or are made aware of it. It does not authorize or require them to seek out child pornography, nor does it require them to monitor their customers. It merely requires the providers

to report it when it comes to their attention. It is a moral duty that, with the passage of Bill C-22, will become a legal responsibility.

Honourable senators, I think it is fair to say all committee members were shocked by the magnitude of this problem, and I want to compliment all senators who participated in consideration of this bill. They did so with no agenda other than stemming this scourge and making the legislation more effective.

The testimony from law enforcement and other experts was clear: Bill C-22 is a significant step forward. The bill is properly drafted to deal with the specific situations it is intended to address. All agreed: It will help.

As Paul Gillespie of the Kids Internet Safety Alliance told our committee:

... I absolutely think this legislation is good. I echo the sentiments of most others here in thinking that there should be a responsibility placed upon service providers ... I think most service providers are doing the right things for the right reasons. I believe that they will call, but let us ensure they do. That inherent responsibility needs to be placed on them.

Honourable senators, we heard that this is only one small step in dealing with this problem. Experts told us that this problem is big, pervasive and difficult to address because of the global nature of the Internet and the technical expertise of the abusers and pornographers. They told us that we could vastly increase the number of police working on Internet child pornography cases and still not win this battle.

Inspector Scott Naylor of the Child Sexual Exploitation Section of the Ontario Provincial Police told the committee:

If I had 100 people in my unit, I would need 200. We will not catch up to this.

Paul Gillespie said:

This scourge and this deluge of awful we are in the middle of is bigger than anyone could have ever imagined. The numbers are shocking. Someday, the only way we will get rid of it will be through a technical solution ... It will certainly never be solved by human eyes.

Honourable senators, Mr. Gillespie went on to tell the committee that he believes that the technology exists now to block millions of images of child pornography. That closing declaration by Mr. Gillespie inspired the committee to attach an observation to its report on Bill C-22, urging the Minister of Justice to inquire into the technologies available to combat child pornography on the Internet and how they might be put to use to battle this problem.

• (1440)

Bill C-22 is good legislation and it will help. I urge all honourable senators to support this bill. Along with other members of the committee, I urge the government to investigate

expeditiously every technological solution that may be available to slow the onslaught of this depraved material, to catch the perpetrators and to rescue the victims.

**Hon. Jim Munson:** I wish to say a few words about this bill, but I want to speak on it tomorrow. I want to adjourn the debate in my name for the rest of my time. I think I have a three- or four-minute speech on this bill.

(On motion of Senator Munson, debate adjourned.)

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator MacDonald, for the second reading of Bill C-21, An Act to amend the Criminal Code (sentencing for fraud).

**Hon. Marie-P. Poulin:** Honourable senators, after carefully examining Bill C-21, I was left with that empty feeling: Is that all there is? This attempt to tighten the noose on white-collar crime by amending the Criminal Code's sentencing provisions amounts to little more than that: an attempt.

The bill lacks substance; it lacks elements that would make it a fairer, more comprehensive law. In other words, the bill does not go far enough in some instances, like allocating money to ensure the legislation can be implemented properly. On the other hand, sometimes it goes too far in reducing judicial discretion in sentencing.

Are the provisions in Bill C-21 the best our government can come up with to protect people from the likes of Earl Jones and Vincent Lacroix in Canada, and the titans of deception, Madoff, Enron, Fannie Mae, and their ilk? Alas, their duplicitous ways proved more widespread than anyone might have thought possible in the days before the 2008 economic meltdown when greed, manipulation and incompetence permeated some of our most respected institutions. Individuals and institutions once deemed reputable bled the vulnerable, ravaged savings and plunged millions of ordinary investors into a lifetime of financial uncertainty.

Now along comes Bill C-21, some four years after the Liberals called for the government to act on white-collar crime — four years — and it is clear that the government failed to make changes commensurate with the scope of the problem.

First, let us examine the contents of the bill, which the Liberals support in general but have certain reservations. The linchpin of the new legislation is a provision for a mandatory minimum sentence of two years in jail for fraud valued at more than \$1 million.

Removing judicial discretion has detractors within and without the legal community, including the Canadian Bar Association, because it would “increase pressures on an already taxed criminal justice system and not improve on what is already available in the Criminal Code.”



As well, the mandatory minimum is linked to fraud of more than \$1 million, but this amount is arbitrary and the committee to which Bill C-21 will be referred may wish to examine it more carefully.

Another key requirement calls for aggravating factors to be considered in sentencing: such things as the psychological and financial impact on victims, and their age and health; and indeed the impact on a community, such as a church or community group that has been victimized.

As well, judges will be obligated to consider restitution to victims whenever possible. Indeed, the court must inquire whether the Crown has taken reasonable steps to provide victims with the opportunity to seek the repayment of misappropriated funds. The sentencing provision will allow victims to address the harm done to them — financial, psychological, emotional and social.

Because of a Liberal amendment in the other place, supported by all opposition parties, if the court declines a fraud victim's request for restitution, the presiding judge will be required to issue an explanation for the court's reasoning. As an aside, this technical amendment addressed the concerns of the Canadian Bar Association over the pressures already inherent in the criminal justice system.

However, as a chamber of sober second thought, we now need to consider Bill C-21's impact most carefully.

Bill C-21 lacks the financial commitment to bolster the manpower resources of law enforcement agencies so that they can more vigorously pursue white-collar fraud. Unfortunately, the mantra of "Where's the money?" is becoming a recurring question.

How much will the bill cost, and where is the money coming from? Words must be backed up with action. Indeed, assessing financial losses through fraudulent activities puts a huge burden on the criminal justice system. To put this burden into perspective, investigations are time-consuming, taking tens of thousands of person hours.

Honourable senators, in view of the economic events of the past few years and the seemingly growing incidence of white-collar crime, it is time to send a clearer message that these types of offences are dealt with strongly. We must be determined to send a more stern warning to those who commit fraud that white-collar crime will not be tolerated.

I trust that in committee, Bill C-21 will be examined carefully in terms of the various sentencing provisions that can be found in other sections of the Criminal Code, and in terms of the role of regulatory acts and securities commissions across the country.

White-collar crime imposes great economic hardship on the victims. It is local, and it is global. It comes in many forms, ranging from mass marketing and payment card frauds to identity theft. There are capital market frauds, insider trading and money-laundering, as well as crimes committed by sole individuals sitting at a basement computer.

The words of an RCMP witness speaking before the House of Commons Standing Committee on Justice and Human Rights summed up the impact of white-collar crime in this way:

Whether it is local or global, white-collar crime has devastating effects on individuals and communities. When businesses and individuals are victims of fraud, we see an increase in personal and corporate bankruptcies. With the loss of investments, homes, and life savings, the social damage can be severe and can undermine the trust people have in their society.

In a 2009 economic crime survey, PricewaterhouseCoopers reported that 56 per cent of Canadian companies said they had been victims of fraud in the previous 12 months. Of those companies, 24 per cent indicated that their direct fraud losses were greater than \$500,000.

• (1450)

Identity theft alone is a major problem. A McMaster University study showed that in 2008, 1.76 million Canadians who were victims of identity theft spent 20 million hours and \$150 million clearing their names. Yet, the study reported that roughly 81 per cent of all identity frauds went unreported.

Those, honourable senators, are just a few examples of the enormous consequence of rampant fraud that spares no one — not big companies and not people on fixed incomes. Without adequate financial resources, the effectiveness of law enforcement agencies is hindered and the law itself is emasculated. Where, for instance, is the financial commitment to the National Sex Offender Registry or to a more aggressive pursuit of white-collar crime?

The Liberal Party was the first to put forward a comprehensive, gold-standard proposal to deal with white-collar crime more than 18 months ago. I am afraid what we have under this government's tough-on-crime obsession is a judicial system that has been placed under considerable strain while we are facing a multi-billion-dollar tab for new jails to house more people. Without the means to conduct vigorous investigations, legislative pronouncements that promise much will amount to window dressing.

Honourable senators, let us look at some of the other elements of Bill C-21.

First, there is the introduction of a mandatory minimum sentence of two years for fraud involving more than \$1 million, regardless of the number of victims. Under the general fraud provisions of subsection 380(1) of the Criminal Code, the maximum penalty is 14 years. Do we need a new law stipulating a minimum sentence of two years, when the penalty for most convictions is triple that or more? Case study said so and shows so.

Furthermore, one of the reasons I was given for justifying a "floor" or "starting point" two-year minimum sentence was that it would prevent some marginal fraud offenders from being jailed so long, as in the case of a plea bargain. Again, if judges retain discretion, individual circumstances could be taken into account and Bill C-21 would not be needed.

It is difficult to determine how many convictions for fraud over \$1 million are handed down each year. We have been told five or ten. Are we really creating a law for so few people who, in all likelihood, will get more than two years anyway?

The introduction of the \$1-million trigger carries with it an entirely new nest of problems. Prosecutors will now have to spend considerable energies determining the value of the fraud, which can be expensive and time consuming. Also, one is left wondering what is magical about the \$1-million provision. Why not \$500,000? It is essential that in providing this act that fraud involving the public market, described in subsection 380(2), be subject to the mandatory jail term.

My second point deals with restitution, where the judges will have to consider repayment to victims. This is central to Bill C-21 because, as written, the bill addresses the concern of the victim — that is, recovering losses is more important than the sentence an offender receives. Nevertheless, identifying and substantiating the exact amount involved in a fraud in order for a specific charge to be laid is a daunting task that threatens to overtax the criminal justice system. Not coincidentally, the ability to seek restitution is contained in section 738 of the Criminal Code. The difference is that section 738 is a discretionary provision, whereas Bill C-21 has a mandatory requirement for loss replacement. Nevertheless, what we are seeing amounts to duplication.

Third, Bill C-21 permits the court to prohibit an offender from assuming any position involving handling other people's money or property. Bill C-21 does not put forward any mechanism for monitoring that order. While a professional accreditation body may establish ethical standards for its members, there is no provision for any organization to ensure that a fraudster abides by the terms of the court order. There is an assumption that if the individual ignores the order, he or she will be eventually found out. Honourable senators, this is a shallow premise on which to establish law, namely, an expectation that someone will be "found out" at some point in the future, after more damage has been done.

Honourable senators, this bill sounds grand, but it is flawed. Is its real purpose to mislead people into believing the government's slogan, "tough on crime"?

Most assuredly, there is no sympathy for fraudsters. Society abhors identity theft, market manipulation, false prize scams, mass-marketing fraud, cooking the books and all the other activities associated with twisting out of people what is rightfully theirs, what they have worked for, and what they relied upon for their very future.

Bill C-21 smacks of artificiality, illusion and window dressing. It is fine to say, yes, we have a law proclaiming a two-year mandatory jail sentence for fraud over \$1 million, but, in practical terms, what does it mean? It means that judges lose their discretionary powers. It means that mandatory sentences of two years are out of sync with routine, longer sentences. There is duplication of restitution provisions and there are unforeseen legal costs in determining the \$1-million threshold. There will be no monitoring of individuals banned from handling other people's money.

Jail costs will climb. Consider 10 individuals convicted at varying levels of involvement in a single \$1-million scam. Some might warrant less than two years, but a conviction will put them behind bars for two years anyway.

Honourable senators, on the surface, Bill C-21 is a straightforward piece of legislation highlighted by the mandatory two-year sentence for fraud of \$1 million or more. However, under scrutiny, Bill C-21's premise of tough justice amounts to tinkering with the Criminal Code under the guise of a tired slogan. Canadians deserve better.

**Some Hon. Senators:** Hear, hear!

[Translation]

**Hon. Pierre Claude Nolin:** Would the Honourable Senator Poulin take a question?

**Senator Poulin:** Yes.

**Senator Nolin:** Senator Poulin has done the research for her speech, in which she mentioned that judges always give more than a two-year sentence for fraud involving more than \$1 million.

Could the honourable senator speak more about what she learned while researching her speech? Are there many such cases? In any of these cases, did the judges hand down sentences of less than two years?

**Senator Poulin:** I thank Senator Nolin for his excellent question. In fact, that was one of the questions I asked when I met with the experts at Justice Canada.

We talked for a good two hours. I very much appreciated the fact that the meeting was attended by representatives from the Department of Justice, the office of the Leader of the Government, the minister's office and that of the leader of the opposition. There was a frank discussion.

The representatives of the Department of Justice to whom I posed the question answered that they had reviewed cases from the past five years. They were unable to provide me with the exact number but, according to their studies, sentences of more than two years were handed down in every fraud case they examined.

**Senator Nolin:** Was the honourable senator, by speaking to the Department of Justice officials, able to determine what the average sentence was for these fraudsters?

• (1500)

**Senator Poulin:** I am looking at the notes I made during the meeting when I asked this question and I cannot find the exact number. If I remember it correctly, it was about 15, but I am not sure about that.

**Senator Nolin:** It is definitely not 15 because I believe that the maximum sentence is 14 years, but it must be at least 10.

**Senator Poulin:** Yes, it may be 10. I am sorry that I do not have the exact figure.



[English]

**Hon. Hugh Segal:** Will the honourable senator take another question?

**Senator Poulin:** Yes.

**Senator Segal:** I noticed Senator Poulin's reference and the concern she expressed with respect to limiting judicial discretion. We have had this discussion in this place on other bills, to be fair to both sides.

I think Senator Baker said that while governments can pass laws and attempt to limit judicial discretion by imposing minimum sentences, the courts themselves will pronounce upon how appropriate or fair any such limitation of discretion is. In some cases, some of those judicial limitations have been struck down by the courts, to be appealed by the Crown as the case may be. I do not, for one moment, want to prejudice how any such provision in this bill might be treated.

I ask about the issue of deterrence, however. It strikes me that the rationale of the government in having a minimum sentence for this kind of financial crime is to send a constructive message to those who might think that this kind of inappropriate manipulation is essentially without serious risk.

Can the senator give us her sense of the value of sending that kind of message, and whether that kind of message and its value may have broader impact beyond the legitimate critical issues that she has raised in her presentation?

**Senator Poulin:** It is interesting that the honourable senator should raise that question, and I thank him for it.

That is my worry. I feel that we are using this legislation to send an important message. As we know, there are various strategies to send important messages. I do not think it is appropriate to use the legislative system to send that important message while affecting such an important value that has been so close to the judicial system of Canada. It is respecting the ability that we have here in Canada, through the judicial system, to look at each case per se.

My worry is that we would establish rules that apply to everyone uniformly. There must be other ways to send that message, honourable senators, which is an important message. I said in my speech that we see the serious impact of fraud on individuals, organizations and communities. We know the impact is serious. We have been going through it and reading about it for many years. That is why I said that the Liberals agree with the intent of the bill but we ask the committee to look at its impact.

**The Hon. the Speaker *pro tempore*:** Are honourable senators ready for the question?

**An Hon. Senator:** Question.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

## REFERRED TO COMMITTEE

**The Hon. the Speaker *pro tempore*:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Carignan, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[Translation]

## THE ESTIMATES, 2011-12

### NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of March 1, 2011, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2012, with the exception of Parliament Vote 10.

(Motion agreed to.)

### JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT AUTHORIZED TO STUDY VOTE 10 OF THE MAIN ESTIMATES

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of March 1, 2011, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Parliament Vote 10 of the Main Estimates for the fiscal year ending March 31, 2012; and

That a message be sent to the House of Commons to acquaint that House accordingly.

(Motion agreed to.)

[English]

## KEEPING CANADIANS SAFE BILL

### SIXTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on National Security and Defence (Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, with amendments), presented in the Senate on March 1, 2011.

**Hon. Pamela Wallin** moved the adoption of the report.

She said: Honourable senators, Bill S-13 is an act that will implement a treaty between Canada and the United States. Specifically, it will implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States.

This bill is about ensuring that the two countries cooperate where our borders are made of water. This treaty permits the so-called Canada-U.S. Shiprider operations, whereby Canadian and American law enforcement officers will be enabled to work together aboard vessels of either country, moving back and forth across our joint maritime border — to pursue and apprehend lawbreakers.

Designated Shiprider officers of either country, who must undergo specialized training for their role, will then be authorized to act as peace officers in the other country when involved in cross-border maritime operations. This authorization will be an improvement over the way things are at present because Canadian and American peace officers will not have to stop their respective boats at the water border when a suspect flees into the other jurisdiction.

Let me give you a brief history of Shiprider. The concept was introduced as a pilot project by the previous government, and has been tested in two pilot projects, with successful and positive results. For example, during a two-month pilot in the Cornwall area on the St. Lawrence Seaway, six direct arrests were made, operations contributed to 41 other arrests, and an abducted child was recovered. There were also major seizures, which netted 1.4 million illegal cigarettes, 215 pounds of marijuana worth some U.S. \$330,000, 176 grams of cocaine, and vessels, vehicles and equipment worth more than C\$75,000.

The bill in clause 4 respects the sovereignty of both Canada and the United States, ensures that operations will be conducted in accordance with the rule of law, and that, in Canada, operations will be carried out in ways that respect the rights and freedoms guaranteed under the Canadian Charter of Rights and Freedoms.

Honourable senators, at committee the government proposed technical amendments to Bill S-13 so that the policy intent of the legislation would be consistent with the current provisions for oversight of all police operations in Canada. It is these technical amendments I wish to speak briefly about now.

For example, as it was written, clause 22 of the bill did not explicitly give authority to the Commission for Public Complaints Against the RCMP to participate in joint investigations with other public oversight bodies of the designated Shiprider officers who are members of municipal, provincial or even United States law enforcement agencies. Clause 22, as amended, now explicitly gives the Commission for Public Complaints Against the RCMP the authority to participate in joint investigations with other public oversight bodies when Shiprider officers are members of municipal, provincial or United States law enforcement agencies.

• (1510)

Similarly, the intention of clauses 17, 22 and 23 as originally drafted was to exempt U.S. designated officers from being compelled to appear as witnesses at a Canadian inquest or

hearing. Bill S-13, however, was inadvertently broad in that it could have been interpreted as exempting Canadian designated officers from being compelled to appear. The amendments to clauses 17, 22 and 23 now ensure that the RCMP, provincial and municipal designated officers taking part in Shiprider operations will in fact be subject to summary offence for failure to appear before the Commission for Public Complaints Against the RCMP.

Honourable senators, I conclude by respectfully asking for your support of the adoption of the sixth report of the Standing Senate Committee on National Security and Defence.

(On motion of Senator Dallaire, debate adjourned).

## **ELECTRICITY AND GAS INSPECTION ACT WEIGHTS AND MEASURES ACT**

### **BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT—DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator MacDonald for the third reading of Bill C-14, An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act;

And on the motion in amendment of the Honourable Senator Harb, seconded by the Honourable Senator Merchant, that the bill be not now read a third time, but that it be amended by replacing the short title with the following:

*“Fairness in Weights and Measures Act”.*

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, we understand that some honourable senators in this chamber may not like the short title of this bill but possibly of other bills. I am fairly certain that I understand Senator Harb, who served many years in the House of Commons where such kinds of descriptive titles were not commonplace. I remember those days as well. This is a fairly new way of describing bills and some of the traditionalists in this chamber, and possibly in the other chamber, may take issue with such descriptive language.

Honourable senators, the bill did make it through the other place and they saw fit to send it here with the description or short title as it was. This side of the chamber does not see any major reason to send this bill back to the other place to rehash the short title of the bill. Therefore, for these many reasons, I think we should pass the bill as is.

At some point in time, Senator Harb might raise this as a point of inquiry or a motion if he has a problem with such descriptions, but in the meantime, I urge all senators to reject this amendment. Let us pass the bill today. I am asking the Senate to deal with this matter now, and I urge senators to vote against the amendment.



[Translation]

**Hon. Céline Hervieux-Payette:** Honourable senators, as deputy chair of the committee, I have heard the testimony and evidence. I am currently preparing arguments to convince my honourable colleagues. I am planning to speak tomorrow in order to prove that this title is totally unfair to the industry.

Accordingly, I am asking the honourable senator to please hear my arguments before trying to convince us that the House of Commons should revise the bill. We have our duties to perform and the House of Commons has its own duties. I believe it is important to get to the substance of the matter. Senator Harb has made some good arguments and I would like to do the same.

I therefore move adjournment of the debate and I will deliver my speech on the issue tomorrow.

(On motion of Senator Hervieux-Payette, debate adjourned).

[English]

#### BILL RESPECTING THE REORGANIZATION AND PRIVATIZATION OF ATOMIC ENERGY OF CANADA LIMITED

##### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-225, An Act respecting the reorganization and privatization of Atomic Energy of Canada Limited.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I know we are at day 14 on this item and I can assure honourable senators that we have every intention of proceeding with this bill. In fact, I have been speaking to colleagues on the other side and we have indicated we would deal with this bill on Tuesday of next week. Therefore, I look forward to hearing a great speech from Senator Runciman, on that day. I therefore adjourn for the balance of my time.

(On motion of Senator Comeau, debate adjourned).

#### NATIONAL VOLUNTEER EMERGENCY RESPONSE SERVICE BILL

##### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Eggleton, P.C., for the second reading of Bill S-224, An Act to establish a national volunteer emergency response service.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have not finished preparing my notes and I will move the adjournment for the balance of my time.

(On motion of Senator Comeau, debate adjourned).

#### ITALIAN-CANADIAN RECOGNITION AND RESTITUTION BILL

##### SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill C-302, An Act to recognize the injustice that was done to persons of Italian origin through their "enemy alien" designation and internment during the Second World War, and to provide for restitution and promote education on Italian-Canadian history.

**Hon. Joan Fraser:** Honourables senators, I would like to ask Senator Comeau when he intends to speak to this bill. This bill has been with us for over nine months.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I am still working on my notes. However, I might have the same question of the other side as to when they intend to speak on the methamphetamine bill, which is an extremely important bill in terms of importance. Bill C-475 deals with taking dangerous methamphetamine products off our streets and protecting our children.

**Senator Fraser:** Honourable senators, I bear no responsibility for that bill, but I am the sponsor in the Senate of the bill about which I asked my question. I wonder if we may have an answer.

**Senator Comeau:** Honourable senators, since the senator sits on the caucus that has something to do with the methamphetamine bill, she might be able to use her good offices to help us in that regard. All honourable senators are aware of the extreme respect Honourable Fraser's comments receive in that caucus.

On the issue of Bill C-302, I will be speaking to my colleagues and I will try to get back with a response next week.

(Order Stands.)

• (1520)

#### GOVERNMENT PROMISES

##### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the litany of broken promises by the Harper administration, beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

**Hon. Pana Merchant:** Honourable senators, with the kind leave of Senator Cordy, I rise to speak to Senator Cowan's inquiry.

Honourable senators, the instances of deception of which I will speak affected Saskatchewan particularly, but the lack of honesty in government affects the very core of our democracy.

Truth in leadership is fundamental. This inquiry is about a prime minister giving his word and breaking his word, a pattern of behaviour which has sadly become the hallmark of the Conservative government. The issues of which I will speak are important to Canada as well as Saskatchewan.

The most significant failure of honesty in dollar value concerned resource revenue to Saskatchewan. Mr. Harper gave his word to remove non-renewable natural resources from the equalization formula, a move that would have reaped Saskatchewan over \$800 million annually from the federal government. Astoundingly, when confronted about not keeping his word, Prime Minister Harper answered that a good deal was given to Saskatchewan.

Honourable senators, the fundamental issue is failing to be honest, and the deception by Mr. Harper and his members of Parliament was unequivocal. They were clear. There was no mention of a cap regarding Saskatchewan resource revenues, and there was no mention of a clawback. The Conservative Party and Stephen Harper repeatedly gave their word in letters, campaign promises and the House of Commons.

An excerpt from Mr. Harper's letter to Saskatchewan Premier Calvert dated June 10, 2004 stated:

The Conservative Party of Canada will alter the equalization program to remove all non-renewable resources from the formula.

An excerpt from the 2004 Conservative platform stated:

A Conservative government will also revisit the equalization formula. We will move toward a ten-province standard that excludes non-renewable resource revenues from the equalization formula.

In 2006, the Conservative platform stated:

... work to achieve with the provinces permanent changes to the equalization formula which would ensure that non-renewable natural resource revenue is removed from the equalization formula.

Honourable senators, it was not only Mr. Harper who gave his word; almost every Conservative member of Parliament from Saskatchewan echoed with their own guarantees. Mr. Trost, Saskatchewan Conservative MP, stated:

The matter of equalization has to do with Saskatchewan's natural resources which by right of the Constitution should have complete access to, we should have total and complete benefit of.

Mr. Komarnicki, Saskatchewan Conservative MP, stated:

It is our position that non-renewable resources such as oil and gas should not be in the formula.

Mr. Lukiwski, Saskatchewan Conservative MP, asked:

Will the minister stand in this House today and do what is right, do what is fair, and simply commit to the elimination of the clawback provisions?

Mr. Anderson, Saskatchewan Conservative MP, said:

It was interesting to hear him say that equalization is not really about equality. We know that the current equalization formula is flawed. This change should be a slam dunk.

Mr. Yelich, Saskatchewan Conservative MP, said the following:

Representatives of the people of Saskatchewan are obliged to speak out against an equalization system that penalizes our province with an over-emphasis on non-renewable resources.

Mr. Batters, Saskatchewan Conservative MP, said:

To put it into perspective, a new equalization deal would have meant an additional \$750 million for Saskatchewan, my province, this year alone.

Mr. Vellacott, Saskatchewan Conservative MP, said:

It is estimated that Saskatchewan, had it received that same deal a decade ago, would have received an additional \$8 billion for the province from non-renewable resource revenues.

He continued, saying:

In regard to the equalization, Saskatchewan is being treated very unfairly.

When he realized that his leader Prime Minister Harper had broken his word, Brian Fitzpatrick, the then long-serving and respected Saskatchewan Conservative caucus chair, wrote to the Prime Minister demanding "compliance with our commitment." One wonders if he retired in disgust with his honour preserved.

A mailing to Newfoundland and Labrador residents in Stephen Harper's name, as Leader of the Opposition, stated clearly:

The Conservative Party of Canada believes that... oil and gas revenues are the key to real economic growth. That is why we would leave you with 100 per cent of your oil and gas revenues. No small print. No excuses. No caps.

A letter dated January 4, 2006, to Premier Danny Williams from Prime Minister Harper during the last election campaign guaranteed:

We will remove non-renewable natural resource revenue from the equalization formula to encourage the development of economic growth in the non-renewable resource sectors across Canada.

In breaking their word, Prime Minister Harper and his cabinet have imposed the very caps on payments to provinces that he, Stephen Harper, guaranteed would not be used.



Honourable senators, if you give your word, you keep your word. It is not a matter of “we almost did as we promised,” or “you are still being treated better than you were before.”

That is what Prime Minister Harper said of Saskatchewan equalization. That is like saying, “the lie is partially true.” It is not a matter of saying, “I have another good deal for you.”

Honourable senators, prior to the 2004 election, Mr. Harper gave his word again, this time specifically regarding the Metis residential schools, such as Île-à-la-Crosse, Timber Bay, Montreal Lake, and the other similar Metis schools in Saskatchewan and the West.

Metis schools are of particular importance to Saskatchewan and the West because of our large Aboriginal population. Prime Minister Harper specifically guaranteed that they would all be included in the residential school settlement.

There is no dispute about what was said. Taped records of these promises in Mr. Harper's own voice were aired in Saskatchewan. After the election, Mr. Harper barefacedly refused to keep his commitment to the Metis people.

Honourable senators, it is not a matter of “now, in power, we will not do the fair thing about the Metis people.” In essence, that is what they say of Île-à-la-Crosse and the Metis residential schools.

It is not about “now, in power, we will break our words, but I have another good deal for you.” That is what they say of equalization regarding non-renewable natural resources.

It is not a matter of “my word costs too much.” That is what they say when breaking their word over income trusts. People keep their word or they do not.

Honourable senators, I began by saying that truth is fundamental to honest leadership and good government. These and the other broken Conservative pledges have hurt many Canadians. This pattern of deception has become the sorry template of the Harper government.

• (1530)

[Translation]

**Hon. Percy Mockler:** Honourable senators, I would be remiss if I did not recognize certain facts that affect Canadians and the leadership of Prime Minister Stephen Harper.

I still feel extremely honoured to speak in the Canadian Senate and highlight our government's achievements. This inquiry, which was proposed by the Leader of the Opposition, Senator Cowan, today gives us the opportunity to consider the governance of our country under the leadership of our Prime Minister.

Honourable senators, although the time factor prevents me from providing a full report on our administration from 2006 to 2011, I would still like to speak about some important sectors that have had a positive impact on Canadians in the Atlantic region and across the country.

[ Senator Merchant ]

I have no doubt in my mind that certain honourable senators are eager to hear about our government's achievements, as we saw yesterday with Senator Eaton's speech. We have a very positive track record.

[English]

Honourable senators, we must take time to remind ourselves and remind Canadians, regardless of what a few detractors say, that the Conservative government of Prime Minister Stephen Harper is listening and has listened to Canadians, and that we have delivered results in enhancing the quality of life of Canadians in every walk of life.

It is a fact that since 2006 the world has been looking at Canada because they know that, as Canadians, we all strive to ensure a better quality of life within our social net. As Canadians, we all want economic security for our families. As Canadians, we look forward to attaining our ultimate goal with democratic values. We want the right and the ability to determine how we will live our lives in this great country that we call Canada.

Honourable senators, our government has an impressive record of accomplishments. There is no doubt in my mind, from the beginning of Confederation with Sir John A. Macdonald, that all prime ministers, regardless of their political colours, have strived to better the lives of all Canadians during their time in office. However, as we look at history, some prime ministers outshine others.

Since 2006, with a minority government, the government of Prime Minister Harper has set the tone to give Canadians the opportunities to realize their hopes and dreams, and we will continue under his leadership because we stand up for Canada.

Honourable senators, let us remind ourselves that the tone was set on January 13, 2006, when Prime Minister Harper said:

I have believed from the outset that this election would be about a choice. A choice between a government in power so long that it is now interested only in what it can take, and a new team that must focus on gaining public office for what we can give. Integrity, family, respect for work, achievement and a Canada strong and free. We have delivered.

[Translation]

We will continue in that direction, honourable senators. And even though the Liberal Party is trying to reinvent itself, Canadians remember and will not soon forget the sponsorship scandal and the Liberal party's obsession with power and glory.

Our team, honourable senators, along with Prime Minister Harper, continues and will continue to make job creation, the economy and family values our priorities for people everywhere across Canada.

[English]

Honourable senators, we have delivered and I want to look at the balance sheet. We have delivered cleaning up government and weeding out corruption —

An Hon Senator: Oh, oh.

**Senator Mockler:** The honourable senator can laugh, but the facts are there for Canadians to see. Cleaning up government and weeding out corruption due to the sponsorship scandal by enacting and enforcing the Federal Accountability Act, which became law in December 2006.

We have also delivered on lowering taxes for working Canadians, starting with the reduction of the GST, reduced to 6 per cent in 2006 and 5 per cent in 2007, because we believe that money in the pockets of Canadians is better than being on the opposition side. Canadians can decide what they want and what they do with their money.

In fact, we have reduced taxes 120 times since 2006, in our five years in government. Today, Canadians are proud to stand up, regardless of where they live, because a family of four is saving nearly \$3,000 per year as a result of the tax cuts.

Another great initiative that we can all be proud of, regardless of where we live, is pension splitting. We have delivered.

We have delivered protecting Canadian families and communities by strengthening the justice system. Our government has passed 12 bills into law since 2006 to tackle crime, including the Tackling Violent Crime Act and the Truth in Sentencing Act — protecting victims and protecting children, women and seniors.

[Translation]

Honourable senators, we have also kept our word and we will continue to keep our word by offering child care options to parents through direct funding for daycare spaces.

As well, our government, under the leadership of Prime Minister Harper, is the first to have given parents \$100 a month for each child under the age of six. We kept our promises to Canadian families by offering Canadians the health care they need when they need it. That is significant.

We also achieved greater fiscal balance by working with the provinces and territories to establish a wait times guarantee for patients across Canada, the significance of which was not lost on Atlantic Canadians.

Honourable senators, the 2007 budget effectively restored the fiscal balance with the provinces and territories under our government. We are confident that the people of every province, territory and region are benefitting from this guarantee, no matter which part of the country they live in.

Yes, honourable senators, since 2006, Canadians have clearly seen that we are getting concrete results for Canadians, and we will maintain our course, with family values, for Canadians.

[English]

Honourable senators, when the Liberal opposition, with their friends the Bloc Québécois and the NDP were in doubt, we delivered in creating jobs and protecting our economy. In 2009, when we entered the worst recession since the Great Depression, we stood up for Canadians.

• (1540)

Honourable senators, let us remember that Canada was the last country to enter the recession and is the first country to recover because of sound leadership and good management.

*Canada's Economic Action Plan*, under the leadership of Prime Minister Harper, has proven to be ambitious, dynamic and reliable. Since the economic meltdown, Prime Minister Harper has put forward a successful strategy to respond to an unprecedented global crisis. Regardless of what the honourable senators think sitting on the left side of the His Honour, we will always stand on the right side, working for Canadians.

I remind honourable senators that two years after introducing the economic action plan, Canada emerged from the global darkness in the strongest fiscal position of the G8 countries. Canada is on track to return to balanced budgets over the medium term before any other countries in the G8.

Honourable senators, we will continue to focus on the long-term priority for Canadian families — job creation and the economy.

The Prime Minister's stellar leadership is appreciated by all Canadians in responding to the needs of First Nations communities by investing in housing, infrastructure and social housing. I take this opportunity to thank Senator Brazeau for bringing to the table the needs of First Nations.

It is noteworthy that all regions of Canada appreciate that our government extended the deadline for infrastructure construction funding under four funds of the economic action plan from March 31, 2011, to October 31, 2011, to encourage construction activity and economic spinoffs for our communities and families.

Honourable senators, another unprecedented initiative under the leadership of our Prime Minister is that Canada leads the G8 countries with the lowest overall tax rate on new business investment. Canadians can count on benefiting from tax relief that is broad-based and fiscally sustainable.

Also unprecedented is that, as a result, Canada will be the first tariff-free zone for industrial manufacturers in the entire G20. I can assure honourable senators that Atlantic Canada will benefit.

Honourable senators, Conservatives believe sincerely that the best social program for Canadians is job creation. This is why Canadians have every reason to be confident about what lies ahead with our leadership.

Honourable senators, we are here for Canada; we are not only visiting. We will always stand up for all Canadians.



[Translation]

Honourable senators, I would like to talk about another subject that is important to New Brunswick, and that is the Prime Minister's leadership on official languages. As you know, our country was built on respect and understanding between the two main official language communities. Yes, our history shows that, since Confederation in 1868, beginning with Prime Minister Sir John A. MacDonald, the strength of our federation has been based on mutually developing these two main language communities, while still respecting their unique characteristics. It is a fact: each community is able to flourish independently.

Since 2006, Prime Minister Stephen Harper's government has not been shy about developing a cooperative working relationship between the two communities.

Honourable senators, in November 2006, Prime Minister Harper moved a motion that was passed by the House of Commons and then by the Senate to recognize the Quebec nation.

Prime Minister Harper has always said, and I quote:

**The Hon. the Speaker:** Honourable senators, your time has expired. Could the honourable senator have five more minutes?

**Hon. Senators:** Agreed.

**Senator Mockler:** Thank you, honourable senators. First, the Prime Minister has always said — he has not been shy, he has always been up front, no matter where he was across the country — he has always said that Quebecers form a nation within a united Canada. I will quote him:

The answer is clear, because the Québécois have always played an historic role in advancing Canada with solidarity, courage and vision, and building a Quebec that is confident, self-reliant, united and proud within a Canada that is strong and united, independent and free.

Second, I would also be remiss if I did not call attention to his commitment, unprecedented in the history of Canada, of \$1.1 billion for the *Roadmap for Canada's Linguistic Duality*, which was established in 2008 and will end in 2013. Its oversight was entrusted to former New Brunswick premier Bernard Lord. The Prime Minister had a vision and he delivered on it. The Roadmap — one of Prime Minister's Harper's visions — is firmly committed to five areas of action: emphasizing the value of linguistic duality among all Canadians; building the future by investing in young people; improving access to services for official language minority communities; capitalizing on economic benefits; and ensuring efficient governance to better serve Canadians.

The Roadmap also involved creation of the Cultural Development Fund, funding for the translation of literary works written by Canadians in French and English and the commitment of \$24 million for "Santé en français." Just ask the people of New Brunswick and Atlantic Canada how important "Santé en français" is to the Université de Moncton. Some \$280 million was allocated for education in the minority language

and for second-language learning. All of Atlantic Canada, all minority regions, anglophone and francophone, benefited from that, honourable senators.

One need only think of New Brunswick, of Samuel de Champlain, of Saint John, Sainte-Anne, of Fredericton or the Carrefour Beausoleil in Miramichi. I could also remember *L'Evangéline*. We have many examples of people with imagination who care about the development of these communities, no matter where we live.

[English]

I remind honourable senators of an article in *The Globe and Mail* in 2010 entitled, "The world would love to be Canadian." It is unprecedented. More than half the people around the world say that, if they could, they would abandon their homelands and move to Canada. Honourable senators should be proud that 53 per cent of adults in the world's 24 leading economies said that they would immigrate to Canada.

• (1550)

Honourable senators, this is quite an honourable testimony vis-à-vis Canada and who we are. This is all about affirmative leadership, unwavering leadership, stable leadership, trust and integrity. Honourable senators on the left-hand side of His Honour can laugh, however, the fact of the matter is that Canadians know whom they can trust.

**Some Hon. Senators:** Hear, hear!

**Senator Mockler:** In conclusion, honourable senators, leadership is all about fairness, respectability and compassion, and that is exactly the leadership we have in Canada today.

**Some Hon. Senators:** Hear, hear!

(On motion of Senator Cordy, debate adjourned.)

## EMPLOYMENT INSURANCE

### MATERNITY AND PARENTAL BENEFITS— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the need to adequately support new mothers and fathers by eliminating the Employment Insurance two-week waiting period for maternity and parental benefits.

**Hon. Pamela Wallin:** Honourable senators, I will begin my remarks today and see how far I get; then I will be happy to continue them tomorrow.

I will take a few minutes to respond to the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the need to support new mothers and fathers, and I want to ensure the honourable senator and all those opposite that we do just that. Our government has always put families first and continues to do so.

[ Senator Mockler ]

Senator Callbeck also called for the elimination of the two-week waiting period for maternity and parental benefits. Let me first note that women's access to special benefits, including 15 weeks of maternity benefits and 35 weeks of parental benefits, is high. Ninety-seven per cent of women working full-time qualify for special benefits. Clearly, the system is working and it is widely accessible.

This government not only fully supports new parents and families, but we have also moved to answer a real need by including the self-employed in the ranks of those eligible for Employment Insurance. Now some 2.6 million self-employed workers will also be able to access the special benefits and they, too, can take time off now to care for a newborn or a gravely ill relative. Our government believes self-employed Canadians should not have to choose between their family and business responsibilities.

I will have more to say on Employment Insurance for self-employed women and men in a moment, but let me return to the issue raised by Senator Callbeck: the elimination of the two-week waiting period for maternity and parental benefits. Honestly, I wonder why, after their last 13 years in office, her party did not take up this cause, but that matter, I suppose, is for internal debate for members opposite.

A waiting period has been part of the EI program since its inception in 1940 and has been set at two weeks since 1971. Many Liberal governments have come and gone without implementing any change, without eliminating the two-week waiting period. I can only assume the reason they did not act is there was no demand, no political imperative, because most people in Canada, as well as those in countries right around the world, think it is very reasonable.

The two-week waiting period follows the same best practices of other insurance programs and is similar to the deductible portion of private insurance plans. By the way, when a waiting period has already been served in respect of a child or children by one parent, in fact the waiting period is deferred for the second.

The two-week waiting period plays an important function. It ensures that EI resources are focused on people dealing with significant gaps in employment, including those on maternity leave. It ensures that they have sufficient resources to draw on. This period also allows for the time needed to verify and establish a claim. It serves an important administrative purpose inasmuch as it allows for the proper processing and verification of claims and eliminates the short claims that would be, relatively speaking, very costly to administer. Given all the waits we have in the rest of our world today, two short weeks does not seem unreasonable.

The waiting period also takes into account the relative proportion of the program costs funded by both employers and employees. Therefore, stepping up for the first two weeks to share the burden seems reasonable, given that employees pay a lower premium rate than their employers. Employers pay 1.4 times that of the employee rate.

As I noted earlier, although a two-week waiting period applies to all types of EI benefits, including maternity and parental leave, parents who share benefits serve only one waiting period. This is

the same case as it is with other combinations of mixed claims, for example, one waiting period for individuals claiming sickness and maternity benefits in succession.

Furthermore, recipients of EI parental benefits are able to work while they are on claim and increase their income by the greater of \$50 per week or 25 per cent of their weekly benefit without a reduction in their overall benefits. Even given the waiting periods, Canadians still receive similar or greater overall maternity and parental benefits when compared to other countries.

In light of these considerations and that Canada continues to be highly ranked in terms of overall value and duration of its program, the government believes Canadians continue to be well served under the current provisions.

Honourable senators, I have a few more comments to make about our plan to expand EI benefits to the self-employed. Again, let me note that for 13 years the Liberal government ignored these 2.6 million Canadians whose work is an integral part of our economy. Our government has listened to them and taken action, and this commitment to the self-employed, who make up a crucial part of our economy, is widely supported. For example, Ross Creber, President and Secretary of the Direct Sellers Association of Canada said:

Our industry welcomes the government's undertaking to extend Employment Insurance — maternity and parental benefits — to the self-employed. It removes a barrier to self-employment.

Catherine Swift, President of the CFIB, said:

The initiative fills a glaring gap for people running their own business, especially women. . . . They'd like to have a child and yet abandoning your business is not (an option).

Richard Phillips, Executive Director of the Grain Growers of Canada, stated:

For a lot of young farm families, this could be the difference whether they stay on the farm or leave the farms. . . .

This has huge potential for quality of life in rural Canada.

Philip Hochstein, President of the Independent Contractors and Businesses Association, stated:

Many independent contractors work as owner operators, from truckers to drywallers to painters, and with these challenging economic times, the extra security offered with extending the EI special benefits is welcome.

Pierre Beauchamp, CEO of the Canadian Real Estate Association, stated:

By creating a level playing field with the EI program, many of our members will no longer have to worry about taking time away from their careers to have a baby or care for a family member who is gravely ill.



Kevin Carroll, Past President of the Canadian Bar Association, stated:

The new program will enhance the contribution of women professionals and entrepreneurs to the Canadian economy.

No one should have to choose between having a family and having a career. The legislation is a good step towards the creation of a system of maternity and parental leave benefits that responds to the needs of all working parents.

Again, the only novel idea from the party opposite recently was their plan to support, along with the NDP and the separatists, a new EI plan that would create a 45-day work year that would cost \$7 billion per year and result in permanent 35 per cent increases in EI premiums.

By contrast, our government is committing to helping the unemployed, and Canada's Economic Action Plan is helping workers and their families to get through this global economic downturn.

An extra five weeks of regular benefits has helped over 365,000 Canadians while they search for new employment.

An enhanced work-sharing program is protecting the jobs of over 165,000 Canadians.

Unprecedented investments in training are helping Canadians receive the skills they need to enter or try a new career.

The freezing of EI premiums for two years helped employers to maintain and create jobs and let workers keep most of their hard-earned money where they need it most.

An additional \$60-million investment in the Targeted Initiative for Older Workers helps those who have invaluable knowledge and mentoring potential as they transition to a new job.

These are all investments to ensure that Canadians get benefits in a very timely manner.

I will have more to say if there is time tomorrow, honourable senators, but we have achieved significant progress in helping improve life for women and children in this country, around the world and even in places such as Afghanistan. Canada will continue to place an important focus on women everywhere. While I am glad that senators opposite are concerned for women, we are actually doing something about it.

(On motion of Senator Wallin, debate adjourned.)

(The Senate adjourned until Thursday, March 3, 2011, at 1:30 p.m.)

---

## CONTENTS

Wednesday, March 2, 2011

|  | PAGE |   | PAGE |
|--|------|---|------|
| <b>SENATORS' STATEMENTS</b>  |      | <b>Indian and Northern Affairs</b>  |      |
| <b>The Late Honourable Shahbaz Bhatti</b>  |      | Nutrition North Canada.   |      |
| Hon. Salma Ataullahjan . . . . .   | 1892 | Hon. Lucie Pépin . . . . .  | 1897 |
| <b>Visitors in the Gallery</b>   |      | Hon. Marjory LeBreton . . . . .   | 1897 |
| The Hon. the Speaker . . . . .   | 1892 | <b>Status of Women</b>  |      |
| <b>The Honourable Donald H. Oliver</b>   |      | National Violence Prevention Strategy.  |      |
| Congratulations on Martin Luther King<br>Life Achievement Award.   |      | Hon. Catherine S. Callbeck . . . . .  | 1897 |
| Hon. Mobina S. B. Jaffer . . . . .   | 1892 | Hon. Marjory LeBreton . . . . .   | 1897 |
| <b>New Brunswick</b>   |      | <b>Heritage</b>   |      |
| 2010 IAAF World Junior Championships.  |      | Canadian Radio-television and Telecommunications<br>Commission Appointment of Vice-Chairperson.               |      |
| Hon. Percy Mockler . . . . .   | 1893 | Hon. Pierre De Bané . . . . .   | 1898 |
| <b>Canadian Volunteer Service Medal</b>  |      | Hon. Marjory LeBreton . . . . .   | 1898 |
| Hon. Pamela Wallin . . . . .   | 1893 | <hr/>   |      |
| <b>The Late Honourable Shahbaz Bhatti</b>  |      | <b>ORDERS OF THE DAY</b>  |      |
| Hon. Don Meredith . . . . .  | 1894 | <b>Business of the Senate</b>   |      |
| <b>Diversity, Pluralism and Multiculturalism</b>   |      | Hon. Gerald J. Comeau . . . . .   | 1899 |
| Hon. Donald H. Oliver . . . . .  | 1894 | <b>Legal and Constitutional Affairs</b>   |      |
| <hr/>  |      | Committee Authorized to Meet During Sitting<br>and Adjournment of the Senate.                                 |      |
| <b>ROUTINE PROCEEDINGS</b>   |      | Hon. Joan Fraser . . . . .  | 1899 |
| <b>Labour</b>  |      | Hon. Lowell Murray . . . . .  | 1900 |
| Canadian Position with Respect to Conventions and<br>Recommendations Adopted at the June 2003, 2004, 2006<br>and 2007 Sessions of the International Labour Conference—<br>Report Tabled. |      | <b>Bill Protecting Children from Online Sexual Exploitation (Bill C-22)</b>                                   |      |
| Hon. Gerald J. Comeau . . . . .  | 1895 | Third Reading Debate Adjourned.   |      |
| <b>Internal Economy, Budgets and Administration</b>  |      | Hon. Bob Runciman . . . . .   | 1900 |
| Thirteenth Report of Committee Presented.  |      | Hon. Jim Munson . . . . .   | 1901 |
| Hon. David Tkachuk . . . . .   | 1895 | <b>Criminal Code (Bill C-21)</b>  |      |
| <b>Canada-Africa Parliamentary Association</b>   |      | Bill to Amend—Second Reading.   |      |
| Bilateral Visit, January 16-22, 2011—Report Tabled.  |      | Hon. Marie-P. Poulin . . . . .  | 1901 |
| Hon. A. Raynell A. Andreychuk . . . . .  | 1895 | Hon. Pierre Claude Nolin . . . . .  | 1903 |
| <b>The Senate</b>  |      | Hon. Hugh Segal . . . . .   | 1904 |
| Notice of Motion to Recognize the One Hundredth Anniversary<br>of International Women's Day.   |      | Referred to Committee . . . . .   | 1904 |
| Hon. Linda Frum . . . . .  | 1895 | <b>The Estimates, 2011-12</b>   |      |
| <hr/>  |      | National Finance Committee Authorized<br>to Study Main Estimates.   |      |
| <b>QUESTION PERIOD</b>   |      | Hon. Gerald J. Comeau . . . . .   | 1904 |
| <b>Foreign Affairs</b>   |      | Joint Committee on the Library of Parliament Authorized<br>to Study Vote 10 of the Main Estimates.            |      |
| Convention on Cluster Munitions.   |      | Hon. Gerald J. Comeau . . . . .   | 1904 |
| Hon. Elizabeth Hubley . . . . .  | 1895 | <b>Keeping Canadians Safe Bill (Bill S-13)</b>  |      |
| Hon. Marjory LeBreton . . . . .  | 1895 | Sixth Report of National Security and Defence Committee—<br>Debate Adjourned.                                 |      |
| Hon. Roméo Antonius Dallaire . . . . .   | 1896 | Hon. Pamela Wallin . . . . .  | 1904 |
| <b>Privy Council Office</b>  |      | <b>Electricity and Gas Inspection Act</b>   |      |
| Use of the Prime Minister's Office.  |      | <b>Weights and Measures Act (Bill C-14)</b>   |      |
| Hon. Terry M. Mercer . . . . .   | 1896 | Bill to Amend—Third Reading—Motion in Amendment—<br>Debate Continued.   |      |
| Hon. Marjory LeBreton . . . . .  | 1896 | Hon. Gerald J. Comeau . . . . .   | 1905 |
|  |      | Hon. Céline Hervieux-Payette . . . . .  | 1906 |
|  |      | <b>Bill Respecting the Reorganization and Privatization<br/>of Atomic Energy of Canada Limited (Bill 225)</b> |      |
|  |      | Second Reading—Debate Continued.  |      |
|  |      | Hon. Gerald J. Comeau . . . . .   | 1906 |



|  | PAGE |
|--|------|
| <b>National Volunteer Emergency Response Service Bill (Bill S-224)</b> |      |
| Second Reading—Debate Continued.                                       |      |
| Hon. Gerald J. Comeau .....  | 1906 |
| <b>Italian-Canadian Recognition and Restitution Bill (Bill C-302)</b>  |      |
| Second Reading—Order Stands.   |      |
| Hon. Joan Fraser .....   | 1906 |
| Hon. Gerald J. Comeau .....  | 1906 |

|   | PAGE |
|---|------|
| <b>Government Promises</b>                                |      |
| Inquiry—Debate Continued.                                 |      |
| Hon. Pana Merchant .....                                  | 1906 |
| Hon. Percy Mockler .....                                  | 1908 |
| <b>Employment Insurance</b>                               |      |
| Maternity and Parental Benefits—Inquiry—Debate Continued. |      |
| Hon. Pamela Wallin .....                                  | 1910 |







*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5





CANADA

# Debates of the Senate

---

3rd SESSION

•

40th PARLIAMENT

•

VOLUME 147

•

NUMBER 91

---

OFFICIAL REPORT  
(HANSARD)

Thursday, March 3, 2011



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Thursday, March 3, 2011

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### THE LATE DR. ROBERT HENRY THORLAKSON, O.C.

**Hon. Sharon Carstairs:** Honourable senators, it was a great honour yesterday for both my husband John and me to attend the ceremony of the celebration of the life of Dr. Robert Henry Thorlakson, a distinguished citizen of Winnipeg, Manitoba and Canada.

By profession, Robert was a colorectal surgeon and an associate professor of surgery. However, he was also a superior diagnostician and saw 15 patients the day he died on February 23, 2011, at the age of 87.

His professional life in and of itself was enough to recognize him as an accomplished man, but his professional life was only a small part of his exemplary life. Being a lover of art, music — particularly opera — literature and sport led him to be engaged in numerous ways in his community. Robert was a founder and past president of Manitoba Opera and the Federation of Professional Opera Companies of Canada.

The Manitoba Conservatory of Music and Arts, the Winnipeg Chinese Cultural and Community Centre, and the Aquatic Hall of Fame and Museum of Canada all benefited from his participation on their boards, as did the Winnipeg Art Gallery, St. John Ambulance, the Manitoba Theatre Company, Winnipeg Habitat for Humanity and the Leo Mol Sculpture Garden.

A veteran of the Second World War and a graduate of Royal Naval College of Canada, Robert retired from the naval reserves as a surgeon commander. He received the Canadian Forces Decoration, the first of his many honours while serving in the military. There were many more to come, including the Canadian Centennial Medal, the Silver Jubilee Medal, the Golden Jubilee Medal and the Golden Dragon Award from the Chinese community. He was a Knight of Justice of the Order of St. John and an Officer of the Order of Canada.

Robert leaves a legacy of dedication to his patients and community. He leaves to remember him his twin brother Dr. Ken Thorlakson, his sister Tannis Richardson, many nephews, nieces and their families. He leaves many friends, of whom I count John and myself among.

Above all, Robert leaves his wife Deborah, to whom he has entrusted his torch of community service, knowing as she has done so well in the past that she will carry it high and with equal brilliance. Theirs was a marriage of the mind, the heart and the soul. The world is a better place because of Robert Thorlakson and will continue to be because of his wife Deborah.

### DEMOCRATIC REPRESENTATION ACT

**Hon. Lowell Murray:** Honourable senators, permit me to draw your urgent attention, and not for the first time, to a government bill that is decorating the Order Paper of the House of Commons without much, if any, effort to proceed with it.

I speak again of Bill C-12, which would add 30 additional seats to the House of Commons, of which 18 are for Ontario, 7 for British Columbia, and 5 for Alberta, after the decennial census of 2011.

This bill is the successor to Bill C-56 in 2007 and Bill C-22 in 2008, both of which were allowed to die on the Order Paper.

Bill C-12 has been on the Order Paper of the House of Commons since April 1, 2010, almost a year ago. Last December 3, John Ibbotson reported in *The Globe and Mail*, that the government and opposition parties had quietly agreed to “sink” the bill, in other words, to let it die again.

• (1340)

This newspaper report seemed to embarrass briefly, if not galvanize, the government house leader, Mr. Baird, who brought the bill forward for debate on December 16, the last sitting day before Christmas. Following debate, and supposedly by way of demonstrating the government's seriousness, he gave notice of a time allocation motion to be moved at the next sitting.

Parliament adjourned for Christmas and resumed on January 31. Since Christmas, there have been 18 sitting days, but nothing has been heard of the allocation of time motion or of any debate on the bill. On February 3 and again on February 10, Mr. Baird told the house that it would be brought forward during the following week, but it has yet to surface.

All bills dealing with representation in the other place cause some political inconvenience to some members of Parliament in all parties. However, that is no excuse for repeated postponements of this bill. Bill C-12 will go some distance to correcting the present disproportionate allocation of seats among the provinces.

Timing is vital. Exactly a year from now, Statistics Canada will convey to Elections Canada the data from the 2011 decennial census, whereupon the redistribution process will begin. If this bill has not been passed into law, the redistribution will take place on the basis of the present law, in which case Ontario would receive not 18 additional seats, but 4; British Columbia not 7, but 2; and Alberta not 5 more seats, but 1.

This injustice, affecting the faster growing provinces, would be aggravated and would probably not be up for correction until after the 2021 census. This situation would be an unconscionable abuse of our representative parliamentary democracy.



There is no excuse — none — for further delays. Tender political feet in the other place should be kept to the fire until the bill is passed.

[Translation]

### CBC/RADIO-CANADA

**Hon. Nicole Eaton:** Honourable senators, I rise to speak about a serious issue that drew the attention of both houses of Parliament. I am referring to the complaint from the Prime Minister's communications director regarding a report that was carried on the CBC in early December 2010. Honourable senators, 76 days and eight pages later, we have an explanation.

In his report, Kirk Lapointe, the CBC ombudsman, worked hard to define and interpret the words "seem" and "shelved." He finally concluded that the CBC had used these two key words in an unfair manner in a report regarding health warning labels on cigarette packages.

I would like to congratulate Mr. Lapointe on understanding his role as an independent body that represents the public and examines concerns regarding the quality of journalism at the CBC.

[English]

The conclusions reached are a first for the CBC. It is truly unprecedented to read such a report in which our national broadcaster comes clean and explains their reporting rationale and the journalistic standards and practices by which they are guided. This is why I was so pleased to read in Mr. Lapointe's conclusion that the CBC holds itself to a journalistic standard and scrutiny that is unique, and I commend the CBC for acknowledging its error.

I am especially gratified there was an apology extended by the editor-in-chief. I am confident this high standard will be maintained, and that our national broadcaster will continue to provide Canadians with news in a timely manner and with accurate, balanced and ethical reporting.

Today, the fourth estate strives to deliver news almost in real time. Delivering the message has taken on a life of its own. Deadlines are tight in a 24-hour news cycle, yet however stressful the demands of getting the scoop fast and first, journalistic integrity must always prevail. This necessity is particularly true of the CBC, which is funded by the taxpayer. All in all, the fourth estate has a pivotal obligation within our democratic system.

### POLITICAL ENGAGEMENT OF WOMEN

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to shed light on the protests that are occurring around the world in the name of democracy.

Over the past few months, newspapers, magazines and other mediums have documented the various rallies and protests that have been taking place in countries such as Egypt, Libya and Sudan. This coverage has shown the world that men and women, both young and old, have come together to fight for what they believe in.

What is often left unnoticed, however, is the unique role women play in these protests and the vulnerable positions they have placed themselves in. During a recent visit to the region, I learned that women played key roles not only as protesters, but also as writers, organizers and funders.

Their engagement, however, has come at a horrendous price. Only last week, while I was travelling in the region, I came across a number of women who had been arrested for their involvement in the protests. Not only were the women detained, they were also tortured and raped. Not only were these women emotionally and physically wounded, they were also robbed of their dignity and the only hope they had of being wed.

One young lady, whose name was Safia, shared a story with me about how she was mistreated by the security forces. Her story is one that haunts me at night.

Safia was a university student who helped organize and document numerous protests. Once word was out about her involvement, security forces immediately arrested her. While detained, Safia was the victim of both physical and emotional abuse.

She told me about how her head scarf fell while she was being beaten, and how security men mocked her for having short hair and questioned her virginity. Safia then proceeded to discuss how she was raped brutally and inhumanely by several men.

I urge honourable senators to help women like Safia obtain asylum in our country. I feel strongly that we have a responsibility to reach out to these women and give them an opportunity to lead a dignified life.

This week, I will return to Africa, where once again I will meet with Safia, who has now moved to another country. Although I am aware we may not have the capacity to rewrite Safia's past, I sincerely believe we have the ability to ensure she has a brighter future.

I ask honourable senators to help support women like Safia who fight so diligently for democracy.

[Translation]

• (1350)

## ROUTINE PROCEEDINGS

### INTERNATIONAL TRADE

#### OFFICE OF THE EXTRACTIVE SECTOR CORPORATE SOCIAL RESPONSIBILITY COUNSELLOR— FIRST ANNUAL REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the first annual report on the activities of the Office of the Extractive Sector Corporate Social Responsibility Counsellor, for the period from October 2009 to October 2010.

#### EXPORT DEVELOPMENT CANADA— 2011-15 CORPORATE PLAN SUMMARY TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, pursuant to subsection 125(4) of the Financial Administration Act, I have the honour to table, in both official languages, the Export Development Canada Corporate Plan summary for the period from 2011 to 2015.

### CRIMINAL CODE NATIONAL DEFENCE ACT

#### BILL TO AMEND—SIXTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS PRESENTED

**Hon. Joan Fraser,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, March 3, 2011

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

#### SIXTEENTH REPORT

Your committee, to which was referred Bill C-48, An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act, has, in obedience to the order of reference of Tuesday, March 1, 2011, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

## AERONAUTICS ACT

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-42, An Act to amend the Aeronautics Act.

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

[English]

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

**Hon. David Tkachuk:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I give notice that later this day, I will move:

That the Standing Committee on Internal Economy, Budgets and Administration have power to sit at 2 p.m. on Wednesday, March 9, 2011, even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

## QUESTION PERIOD

### PUBLIC SAFETY

#### COST OF ADDITIONAL PRISONS

**Hon. Tommy Banks:** Honourable senators, my question is to the Leader of the Government in the Senate.

First, I ask that the minister convey to the government my thanks for making it patently clear to Canadians where its values and priorities are by increasing expenditures for the building of prisons on the one hand, and reducing expenditures on the environment and culture on the other.

To paraphrase Mr. Scrooge before his rehabilitation: Are there no prisons? Are there no workhouses?



One hopes that her government is visited by spirits of the past, present and future, and will be made to see that retribution is not always the solution to our social problems.

Mr. Toews once said, if I remember correctly, that the cost to Canadians, in terms of longer and harsher prison sentences, would be about \$90 million. We now find that it is about \$520 million; nearly six times as much.

My question to the minister is: When may we expect the next shoe to drop?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, there are interesting statistics I will put on the record for Senator Banks before he frets too much about the cost of building new prisons. Senator Banks forgets a major component in this whole story about longer sentences and keeping dangerous people away from society, and that is the cost to society of the acts of these people who commit these crimes, most particularly in the unnamed cost to victims of these crimes.

Honourable senators, in 2008 the total tangible social and economic costs for Criminal Code offences in Canada were approximately \$31 billion, amounting to a per capita cost of \$928 per year. These costs were borne by the criminal justice system, victims of crime and third-party costs.

Before Senator Banks runs around wringing his hands and worrying about the cost of providing more prisons to put criminals in, he should start worrying about the cost to society as a result of their crimes, particularly to those victims.

**Senator Banks:** The problem is that, although the problem occurs a little later, those people are released from prison, and they come out better schooled in their business than when they went in.

## ENVIRONMENT

### CLIMATE CHANGE POLICY

**Hon. Tommy Banks:** Honourable senators, Environment Canada programs and climate change initiatives, according to numbers we have seen, will decline by nearly 60 per cent: a reduction in that spending of about \$150 million. Those reductions are from programs that, according to the department's own words:

... enhance Canada's visibility as an international leader in clean energy technology.

At least some of those programs had to do with getting our own federal government house in order with respect to our direct responsibilities of reducing our own operating environmental footprint.

How can we admonish, urge, cajole and sometimes penalize Canadians and Canadian enterprises about their effect on the environment? How can we claim to be world leaders in clean

energy if we are not prepared to take care of our own backyard, our own direct responsibilities? How can we reconcile those things?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, with regard to the cost of prisons, Senator Banks mentioned people coming out. Another thing he failed to acknowledge is the significant efforts invested in our prison systems by various departments of government in the area of retraining and rehabilitation of prisoners. It is incorrect to state that people go to prison and that every effort is not made to rehabilitate these people and have them emerge as better citizens of the country.

With regard to the environment, Environment Canada remains committed to initiatives and investments to ensure the health and safety of Canadians and their environment. The Main Estimates, which is obviously what the honourable senator is referring to, represent the basic funding required to sustain the federal government in this area. These figures are part of the estimates; they are not the budget.

Many environmental programs, as Senator Banks will understand, are up for renewal. The government is looking closely at the programs that are up for renewal, and other applications, as we plan the next phase of *Canada's Economic Action Plan*.

**Senator Banks:** We look forward to hearing about those plans. As to the efficacy of rehabilitation and education in prisons, I have a different view than the minister, and that is a discussion for a different time.

### PARKS CANADA

**Hon. Tommy Banks:** Honourable senators, my last supplementary question is about Parks Canada. The Senate, in the past, has made clear in its many reports, both here and to the public, and in urgings to the government — the previous government and this one — that funding to Parks Canada is inadequate to ensure they can do their job properly, a job to which all Canadians subscribe. We see now that Parks Canada is to receive \$114 million less in the coming year.

I know the leader's government has gotten us into the glue before the economic meltdown happened, and I know we are further into it now — the glue is thicker and we are more deeply into it. I know we have to make reductions. I know it is a mug's game to choose between whether to build one less hospital or buy one less airplane, but is the leader's government convinced that Parks Canada is the place to start cutting?

**Hon. Marjory LeBreton (Leader of the Government):** If Senator Banks would check the records — I do not have the figures before me — this government has vastly expanded the jurisdiction and territories that fall within Parks Canada. We have done more to profile Parks Canada and we have provided access to more lands for Parks Canada.

As I want to ensure this information is on the record, I will take that question as notice. I think all the excellent work this government has done with regard to Parks Canada bears repeating.



**Senator Banks:** I hope the leader will provide that information, because she has identified the problem precisely. It is an admirable thing to create more national parks, but creating more national parks requires a commensurate increase in the resources with which to manage them. Both the previous government — my government — and this government, have failed to provide those resources. The result is that the amount of land in national parks and the number of people who visit them is increasing exponentially, and we are all to be congratulated for that, including the leader's government. However, the money to manage and husband those places properly has not kept pace. I hope the leader will refer to that in her answer to the question of which she has taken notice.

• (1400)

**Senator LeBreton:** As the honourable senator acknowledged, there are many spending pressures on the government in a host of areas, including our commitment on transfers to provinces for health and education, a commitment that we have made, kept and increased year by year. Therefore, there will be a great deal of pressure on the government from all fronts. However, I will be happy, in my request, to have as much information as possible from Parks Canada, and will ask them to address this issue as well.

[Translation]

## FOREIGN AFFAIRS

### FINANCIAL SUPPORT FOR INTERNATIONAL CRIMINAL COURT

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, questions were raised about the government's responsibility to protect and to respond quickly to the humanitarian crisis in Libya.

It was with energy and pride that the leader announced yesterday that the international community had congratulated Prime Minister Harper on taking significant measures to exert pressure on Colonel Gadhafi by freezing his assets.

Yesterday, we also learned that the International Criminal Court in The Hague had issued a formal demand in order to bring Colonel Gadhafi before the court. It is interesting because, yesterday, we learned that Canada, one of the signatories of the Rome Statute, which led to the creation of the International Criminal Court, will cut its funding for the court by 64 per cent at a time when it is believed that Colonel Gadhafi must be brought before the court.

Can the leader explain why, when the government wants to make further use of the International Criminal Court, it is preparing to cut its funding for the court by 64 per cent?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I do wish sometimes that the honourable senator would not rely on newspapers for the basis of his questions. Those allegations are absolutely false.

Last year's estimates reflect the one-time contribution toward the construction of a new permanent location for the International Criminal Court. That amount was on the books for its construction. Since it has been constructed, obviously the money would fall off the books. That is what it was. We paid money to build this building. The building has been built. Obviously, they do not need money to build a building that no longer needs to be built.

I wish to assure the Honourable Senator Dallaire that the premise of his question is false. Our funding to the International Criminal Court is on a fixed scale and it has not been reduced.

[Translation]

**Senator Dallaire:** The Leader of the Government is quite right with respect to the construction period. However, I would like to remind her that funding from Canada is crucial.

Furthermore, the prosecutor himself recommended that the court's infrastructure capacity be increased so that it can prosecute more people who commit crimes against humanity. In so doing, the court would be able to fulfill its international role.

The Leader of the Government said that funding to the court is stable, but we know that there are calls for increased funding in order to maximize the capacity of the infrastructure that has been built.

[English]

**Senator LeBreton:** Honourable senators, it is clear that Canada supports the work of the International Criminal Court in its mandate to bring justice to those responsible for the most serious crimes of concern to the international community. Canada's support for the International Criminal Court is grounded, and has always been grounded, in our commitment to the rule of law and the principle that those who are responsible for serious international crimes should be held accountable. Obviously, our commitment is strong. That is why — and I will repeat my answer to the honourable senator from a few moments ago — our funding to the International Criminal Court is on a fixed scale and has not been reduced.

**Senator Dallaire:** My question was that we invested that \$18 million. We have cut it back to where we were, but they have asked for more in order to maximize their capability. The leader is saying that we will stay on a fixed budget. That is not necessarily reinforcing our position with regard to the use of the International Criminal Court.

To bring the matter closer to home, the international investigation unit of the Department of Justice, which is our home-grown dimension of the international law and rule of law, is suffering significant budget restraints, if not cuts, because it cannot prosecute génocidaires who are identified in this country. It cannot bring them to justice because it does not have enough money to undertake the investigations and bring these individuals to court.

Can the leader tell me whether or not that section of the Department of Justice will be increased in its capacity to prevent Canada from becoming a haven for extremists because we cannot bring them to court and apply a law to do so that we have instituted in our own country?

**Senator LeBreton:** Honourable senators, it really does not matter what the government does. It is never enough, even though it has done more than was ever done in the past. It is never enough. Of course, that is to be expected. That is always their standard approach.

The honourable senator's specific request concerning the Department of Justice, the Canadian judicial system, the Department of Justice, the Department of Public Safety and all of the organizations that are mandated to keep Canadians safe and prosecute people who break our laws is to be commended. I will refer the honourable senator's question to the Department of Justice to see if there is anything further they wish to add.

## FINANCE

### AFFORDABLE HOUSING INITIATIVE

**Hon. Art Eggleton:** Honourable senators, last evening the National Finance Committee started its examination of the Estimates for the coming fiscal year. One of the lines that I noted was the termination of the Affordable Housing Initiative, which is the main housing program of the government in terms of new housing.

Honourable senators, there are over four million people across this country who are in need of decent, affordable housing. Most of them are paying more than the 40 per cent CMHC guideline or rule of thumb.

We all understand intuitively the importance of shelter. A home anchors a person and a family. It provides the foundation for higher educational attainment and leads to greater stability in the workplace. Health experts also tell us that adequate housing is a key determinant of health and long-term outcomes.

With sound moral and economic arguments for affordable housing construction in Canada, why is the government terminating the Affordable Housing Initiative?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question and I also would like to thank him for giving notice that he would ask a question in this regard.

As the honourable senator was a member of the government and a member of cabinet, I am sure he knows that just because something does not appear in the Main Estimates, it does not mean we are no longer committed to this program. Furthermore, it does not mean that it will not appear in other estimates later in the year.

We have made major investments in affordable housing that are creating thousands of jobs and improving the quality of life for a great number of Canadians. Over 12,000 projects are completed

or are under way. Our significant investment of \$2 billion over two years to repair and build social housing includes \$600 million for housing on reserve and in the North, \$400 million for housing for low-income seniors, and \$75 million for people living with disabilities.

• (1410)

It is fair to say that the government is firmly committed to the issue of providing Canadians with affordable housing.

**Senator Eggleton:** Honourable senators, I thank the leader for her response and hope that we see that in the budget. This particular program, though, is an ongoing program. Much of what the leader cited came in the stimulus package, and that is fine, but when the stimulus package ends, as we see it will, we will continue to have extensive housing needs in our country.

Honourable senators, I know the leader cannot tell me definitively if this will be in the budget, but I am encouraged by her words. No one — the leader's government, our previous government — can continue to turn this tap on and off with such regularity, as doing so interrupts the ability of local and provincial governments and local community organizations that build affordable housing to establish long-term planning. You cannot just turn affordable housing funding on and off every fiscal year.

Will the government make a commitment to long-term affordable housing development in Canada?

**Senator LeBreton:** Honourable senators, we have made significant investments in affordable housing. Since the honourable senator has mentioned the provinces and territories, he would know, I am sure, that we further improved funding by providing the provinces and territories with greater flexibility, which is exactly what they asked for.

We recognize that each province and territory faces different challenges. Obviously, the provinces and territories are the better judge of these issues, because they are closer to the ground and have a greater knowledge of the ability to deal effectively with these issues in their respective communities. We are also increasing accountability measures to ensure maximum value for taxpayers' money.

Honourable senators, it is important to underline that we kept our five-year funding commitment for our Homelessness Partnering Strategy, and in November, we announced funding through to 2014. We are currently investing in more than 1,200 projects across the country to prevent and reduce homelessness. We are engaged in comprehensive nationwide consultations, and have used that feedback to improve funding post-2011.

The honourable senator has done a great deal of work in this area and deserves credit for his continuing commitment to this issue. Our government recognized this serious problem and has acted accordingly and made a significant contribution to this area. We have been working much more closely with the provinces and territories than the previous government.



[Translation]

## NATIONAL REVENUE

### CHURCH OF SCIENTOLOGY

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government in the Senate.

In light of the February 25, 2011, broadcast of the TV program *JE* on the topic of the Church of Scientology on the French-language network TVA, it would appear that this not-for-profit organization has nothing to do with any church, charitable organization or religion. It is quite clearly a cult that is putting Canadians' physical and mental health in danger.

In the broadcast, hidden cameras showed how this organization extorts huge amounts of money from its victims. For instance, in the guise of some kind of therapy, one of the 40 organizations known as Narconon operates a detox centre using techniques from the Scientology movement, without the patients' knowledge. These techniques have nothing to do with any recognized medical treatment methods.

Consequently, I would like the Leader of the Government to assure us that her government will look into this matter in order to protect Canadians from this cult, which is exploiting and abusing our tax system and benefiting from its status as a non-profit corporation, thereby avoiding paying income tax that the Minister of Finance, Mr. Flaherty, really needs.

[English]

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. I am not familiar with the report to which she refers. I am unfamiliar with the Church of Scientology, other than the little bit I have read and seen. I am not in a position to comment. I will take the honourable senator's question as notice.

**Senator Hervieux-Payette:** Honourable senators, about six months ago I asked a question concerning the purpose of this organization.

As the government prepares to table its budget on March 22, the media reports that there will be provisions demanding that our country's budget for public safety be increased by 10 per cent. Since the Scientology movement has openly declared its desire to expand its activities and increase its membership base in Canada, can the leader tell us, or at least find out for us, if the budgetary increase for public safety will be allocated to combat sects such as Scientology, as well as many others, and stand up for the ever-increasing number of victims of their wrongdoings?

**Senator LeBreton:** Honourable senators, if my memory serves correctly, the honourable senator did ask a question on this very subject a year or so ago, and the honourable senator received an answer to her question. I do hope that the honourable senator is not suggesting that she did not receive an answer. I have a good memory and I remember providing the honourable senator with an answer.

This is a bizarre question. To be perfectly honest, I am not particularly familiar with the Church of Scientology. I am not particularly familiar with a lot of religions. Quite frankly, unless I am missing something, I do not really know what I can say in answer to the honourable senator, as Leader of the Government in the Senate. I cannot say that we have any direct say over various organizations in Canada, whether they are deemed religious or otherwise.

Honourable senators, if there is any particular light I can shed upon this subject, I will certainly make every attempt to do so.

**Senator Hervieux-Payette:** Honourable senators, the leader did send me an answer to my question.

The Church of Scientology is a sect that does not operate transparently. This time we have more information about the headquarters in the United States. We have seen a film that illustrates that they do not pay income tax. The activities had to be filmed in a way that the people involved did not know they were being filmed. In the film, they said exactly what I am telling the leader, they do not pay income tax. Members of the church are able to deduct income under "training" in order to avoid paying tax. They are able to do this under the Income Tax Act.

Honourable senators, I am talking about the integrity of our tax system. It is our responsibility, as parliamentarians, to protect people from these false treatments, and ensure that every taxpayer, according to the law, pays his or her income tax. This situation requires an inquiry by the leader's government.

**Senator LeBreton:** Honourable senators, I will make the Minister of National Revenue aware of the honourable senator's comments.

[Translation]

## OFFICIAL LANGUAGES

### BILINGUALISM IN THE PUBLIC SERVICE

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, today Graham Fraser, the Commissioner of Official Languages, released a study on the importance of leadership in the public service to create a bilingual workplace.

The Commissioner found certain shortcomings that the government needs to focus on and stated that even though linguistic duality is a fundamental value within Canadian society, creating a public service that reflects Canada's linguistic duality remains a challenge.

Commissioner Fraser also noted that it is imperative that managers in the public service consider federal employees as individuals with a specific culture, identity and language. Managers must also work towards a better recognition and attainment of their linguistic obligations under the Official Languages Act.

• (1420)

Can the leader tell us whether her government is committed to working with the commissioner and the minister in order to implement the five recommendations and, if so, how will it do so?



[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the government is always most appreciative of the work of the Official Languages Commissioner. We are always mindful of the recommendations that he makes to government. In many cases, he has been very supportive of certain efforts of the government; in other areas, we realize there is some work to be done.

As is always the case, the Commissioner of Official Languages, Mr. Fraser, is an officer of Parliament. He is very dedicated to his work and the government would obviously want to ensure that we fully take into account all of his recommendations because this government, as the honourable senator knows, fully supports Canada's Official Languages Act.

---

[Translation]

## ORDERS OF THE DAY

### ELECTRICITY AND GAS INSPECTION ACT WEIGHTS AND MEASURES ACT

#### BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator MacDonald, for the third reading of Bill C-14, An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act;

And on the motion in amendment of the Honourable Senator Harb, seconded by the Honourable Senator Merchant, that the bill be not now read a third time, but that it be amended by replacing the short title with the following:

*"Fairness in Weights and Measures Act".*

**Hon. Céline Hervieux-Payette:** Honourable senators, I would like to add a few comments to the excellent speech by Senator Harb, who is responsible for this file, to explain to you why we felt that the short title did not reflect the rest of the bill. Not only is there nothing in the wording of bill itself, according to Senator Harb, but there are 39 other sectors covered by this legislation and this is the sector that is the most compliant when it comes to weights and measures.

I will begin by addressing the honourable senators. In the Standing Senate Committee on Banking, Trade and Commerce, of which I am a member and where we studied this bill, we did not hear any rational explanation for this title. No one explained why the title did not include any of the other sectors where statistics clearly show there are more errors. Some sectors have a compliance rate of less than 90 per cent.

One of the things that concerns me the most — and keep in mind that we are talking predominantly about small businesses throughout Canada and therefore about hundreds of thousands of locations — is when the inspector and installer of the equipment is the same person. I assure you I do not understand the wisdom behind that.

Another thing that concerns me greatly has to do with monitoring. If you live in Abitibi or the Lower St. Lawrence, where will the inspector come from to check the scales? Will he arrive from Montreal by plane? Assuming the legislation will respect the rights of Canadians, especially when we are talking about a government that favours simplifying regulation, does this not amount to having the private sector enforce the rules? There is a clear conflict of interest for people with the skills to install scales or any weights and measures instruments, which are more electronic than anything else these days. I doubt an electronics expert can travel from town to town and bill the small business owner. This inspection is supposed to be done regularly. We are dealing with a system that has been a bit lax about the number of inspections. We are talking about gas stations, entrepreneurs, business owners; we are talking about 16,000 businesses across the country. Think of all the convenience stores, all the fruit and vegetable vendors throughout Quebec and across Canada.

Honourable senators, in my opinion, Bill C-14 was not studied closely enough in the other place and, what is more, they have the nerve to give us a title that has nothing to do with the bill itself and everything to do with petty politics.

I want someone to give us good reasons for supporting such a bill. I have not seen or heard any, and I do not see how such a law, especially with such a title, would protect the interests of Canadians. On the contrary, the other 39 sectors affected by this bill are not mentioned, which means that Canadians will likely not be adequately informed, even less so if the famous line about being very concerned about fairness at the pumps is used.

I think that it is just as important to know whether there is a litre of milk in a bag or a litre of orange juice in a carton as it is to know whether there is a litre of gas in my gas tank. The last time I checked, orange juice cost more than a litre of gas.

The substance of the bill is important, but so is the title, which does not accurately describe the bill.

Honourable senators, I am asking you to support the amendment moved by my colleague. We need to be honest with Canadian taxpayers, particularly if they have to pay in order to comply with this new legislation.

I am therefore waiting for an explanation and, when we vote, I hope that my honourable colleagues will take into account the arguments I just presented.

[English]

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, I want to add my voice to those of my colleagues in support of Senator Harb's proposed amendment to Bill C-14.

Everyone supports taking reasonable steps to ensure the accuracy of measurements and measuring devices. Our problem is with the unfair and misleading short title of this bill.

An article on legislative drafting in Canada, published in 2007 by two Department of Justice lawyers, began: "Good government requires that laws be expressed clearly."

I believe any legislative drafter, indeed any fair-minded Canadian, would agree that an even more fundamental principle is that good government requires that laws be expressed honestly and fairly. We are talking about the laws of Canada, the foundation of our system of justice. It follows, I should have thought obviously, that injustice has no place in legislative drafting. Yet that is exactly what the government has done with Bill C-14.

The government's short title of the bill is "Fairness at the Pumps Act." That tells Canadians a couple of things. First, it tells Canadians that the bill is about gas pumps. Second, and more important, it tells Canadians that it is about ensuring fairness at the pumps. Since one does not usually legislate something that is not needed, it is reasonable for a Canadian to conclude that there is a problem at the pumps, and that this bill will fix it.

• (1430)

Honourable senators, neither of these assertions is true. The bill is not about, or even primarily about, gas pumps. The facts are clear that there is no significant problem with unfairness at the pumps. What is this bill really about? The government officials who testified before the Standing Senate Committee on Banking, Trade and Commerce said that gas pumps are only one of a number of sectors covered by the bill. Indeed, initially the bill will cover about eight sectors; and this number is expected to be expanded by regulation over time to cover as many as 40 sectors. They include the retail food industry, fishing and fish products, logging and forest products, grain and field crops, mining and metals industries, livestock and poultry products, dairy products, textiles, laundries and cleaners, fruits and vegetables, waste disposal, scrap metal, quarries and sandpits, tobacco, alcoholic beverages and, of course, the retail fuel sector.

The short title of the bill easily could have been the "Fairness at the Laundromat Act"; but that is not the title that this government chose. Why? Is there such a glaring problem with fairness at the gas pumps that this sector should be singled out from the other 40 sectors? No: In fact, as the Honourable Senator Harb and the Honourable Senator Hervieux-Payette said, amongst all these sectors, one of the highest compliance rates has been in retail fuel. In 2007, this industry had a 97-per-cent compliance rate. Senator Harb pointed out the other day that when there were aberrations, some were in favour of the consumer and some were in favour of the retailer. This compliance is not an aberration. Over the past 10 years, the compliance rate for gas pumps in the retail petroleum sector has been 94 per cent. Of course, honourable senators, 100 per cent would be ideal, but 94 per cent to 97 per cent is a solid "A," in my experience. This impressive record is even more striking when compared to other sectors that will be covered by this bill, now or later. The logging, forest and forest products sector has 62 per cent compliance. The metal scrap sector has 56 per cent

compliance. The quarry and sand pit sector has 50 per cent compliance. The laundry and cleaner sector has 56 per cent compliance.

Honourable senators, why is the title of this bill the "Fairness at the Pumps Act"? Why is this sector, which has one of the highest compliance rates, made the target of such an inflammatory statute title? The only possible explanation is politics — a cheap political stunt. Once again, this government cannot and will not address the real problems facing Canadians. Instead, it chooses to create an imaginary problem and then puff itself up with a bill like this one, "Fairness at the Pumps Act," telling Canadians that they have solved this non-existent problem.

Senator Bryden used to speak about his brief career as a life insurance salesman. He was told by those coaching him first to roll out the casket before prospective clients, and then to make his sales pitch for life insurance.

Honourable senators, even that pitch was more honest than what the Harper government is doing. At least the insurance salesmen were telling the truth: that their clients were mortal, and that everybody dies some day. With this bill, this government creates the spectre of a problem where there is no problem. There is no unfairness at the pumps now.

Honourable senators, calling this bill the "Fairness at the Pumps Act" is wrong. It is inaccurate, unfair and unjust to the thousands and thousands of honest small business people who own and operate gas stations across this country. As Senator Harb told this chamber the other day, the overwhelming majority — 72 per cent — of the 13,000 gas stations across this country are privately owned. They are small businesses owned and operated by individuals. This government is telling Canadians that these independent small business owners are cheats preying upon Canadians so they can steal their money and give them less than they paid for. Honourable senators, that picture is simply untrue. How can honourable senators stand in this chamber and vote for a bill that, by its very name, unjustly impugns the integrity of thousands of honest Canadian small business people?

Evidently this government does not care about justice, only about politics. In its grasping for votes, clearly nothing is out of bounds. We have seen this grasping with the supposed "tough on crime" agenda, and with building bigger and bigger prisons justified to Canadians by the spectre of hordes of perpetrators of unreported crimes, even though, as unreported, the perpetrators stand zero chance of ever seeing the inside of those prisons.

The government has not been subtle about its planned political use of this unjust bill. Minister of Labour Lisa Raitt recently made use of it in a "householder" that she distributed in her riding. Honourable senators will remember that this minister is the same minister who described the isotope crisis as having opportunities because it was sexy. This paragon of Conservative politics distributed a document in her riding that angrily declares:

Faulty gas pumps cost Canadian consumers millions of dollars every year. That's not right. Our Conservative Government is taking action to protect Canadian consumers. That's why we introduced the Fairness at the Pumps Act.



Honourable senators, this document is inexcusable. It is demonstrably untrue and an undeserved and unwarranted smear on the reputations of thousands of small business persons from coast to coast to coast. Will this bill improve the 94-per-cent, recently 97-per-cent, compliance rate of gas pumps across the country? I doubt it. I doubt that this government with its record deficit will invest the money needed to send out enough inspectors to find and correct those few inaccurate pumps.

We have seen repeatedly that the Harper government is not concerned with real results. Those results will come only long after Mr. Harper has left office. What counts is winning votes now at any cost in any way. The reputations of honest Canadian business owners are only so much collateral damage.

Honourable senators, Bill C-14 covers a broad swath of sectors, including many with far worse compliance records than pumps at gas stations. The title of a law should reflect what the law says; and it should not be used for unjust reputation smears for political stunts. It may not be beneath the standards of the Harper government, but it is beneath my standards as a Canadian parliamentarian. For those reasons, honourable senators, I will support Senator Harb's amendment.

**The Hon. the Speaker:** Are honourable senators ready for the question?

[Translation]

**Hon. Fernand Robichaud:** Honourable senators, I would like to say a few words on this subject. I think that the current title is misleading. With respect to fairness at the pumps, we can see that prices are different from one province to the next and that could be explained in part by different tax systems.

However, the slightest hint of disorder in a producing country becomes a reason for speculators to increase the price of a barrel of oil. We heard Saudi Arabia, a producing country, say that the crisis in Libya should not affect prices because it can produce as much as Libya. But nothing stopped speculators from saying that there was a crisis and that oil would cost more. And, of course, when the price of a barrel goes up, the price at the pumps automatically goes up the following morning. But when the price of a barrel goes down, the price at the pumps does not go down as quickly.

I do not want us to send a message that speculators can increase the price of a barrel for reasons that are more or less artificial, making the price at the pumps increase and meaning that consumers must pay, and that this system is fair.

• (1440)

We need to think about people who have below-average incomes. These people have little money left at the end of the month. The money they have left is what remains after they pay their rent or mortgage, buy food and cover expenses for their children. Some families have very little left. When speculators predict an increase and the price at the pumps increases, these people with below-average incomes must find money elsewhere.

For these reasons, I think that we should support the amendment before us and not remain indifferent to what is going on with speculation and prices at the pumps.

**Some Hon. Senators:** Question!

[English]

**Senator Comeau:** Question.

**The Hon. the Speaker:** It was moved by the Honourable Senator Greene, seconded by the Honourable Senator MacDonald, that Bill C-14, An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act, be read the third time, and a motion in amendment moved by the Honourable Senator Harb, seconded by the Honourable Senator Merchant, that the bill not be now read a third time, but that it be amended by replacing the short title with the following:

*"Fairness in Weights and Measures Act."*

The question before the house is on the motion in amendment.

Those in favour of the motion in amendment will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed to the motion in amendment will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "nays" have it.

**Some Hon. Senators:** On division.

**The Hon. the Speaker:** The motion is negated, on division.

(Motion in amendment negated, on division.)

**The Hon. the Speaker:** The question before the house is on the motion of the Honourable Senator Greene, seconded by the Honourable Senator MacDonald, for the third reading of Bill C-14.

Those in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed to the motion will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "yeas" have it.

**Some Hon. Senators:** On division.

**The Hon. the Speaker:** The motion is carried, on division.

(Motion agreed to and bill read third time and passed, on division.)



## BILL PROTECTING CHILDREN FROM ONLINE SEXUAL EXPLOITATION

### THIRD READING

Leave having been given to revert to Government Business, Bills, Item No. 1:

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Stewart Olsen, for the third reading of Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

**Hon. Jim Munson:** Honourable senators, I would like to speak on third reading of Bill C-22, and I will get to that in a moment.

It is hard to speak when one has been informed of the death of a very close friend, in this case, Jim Travers, my buddy at *The Toronto Star*. I must speak about my friend Jim, whom I have known since 1974. We worked on many election campaigns together. I travelled around the world with Jim. We were the three Jims — Jim Travers, Jim Munson and Jim Maclean of Newsradio.

Jim passed away, I understand, due to complications from an operation. It is difficult to speak about this. Jim was a very sweet man. We had a lot of fun together, and he will be missed.

I will speak to third reading of Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

I believe that this bill will have a positive impact and will enhance Canada's capacity to identify and prosecute child pornographers. When I addressed senators last month for the first time as critic of this bill, I outlined my particular concerns.

The Standing Senate Committee on Legal and Constitutional Affairs conducted a thorough examination of the bill, and I am grateful to the chair, the deputy chair and all members for listening and responding to these concerns.

The committee invited a solid group of witnesses representing the key issues and posed the necessary questions. I attended some of the hearings and appreciated the opportunity to ask a few questions myself.

With the committee's work complete and the bill now at third reading stage, some of my initial concerns linger. I still wonder, for instance, about the rationale for the two distinct reporting requirements described in clauses 3 and 4 of the bill. To refresh the memories of honourable senators on the content of these clauses, depending on the circumstances, reports are to be made to either the police or an agency that will be designated by regulation. I still wonder why the police would not be notified in all cases, as is typically done.

Also, I remain convinced that it would be preferable to designate the agency democratically by parliamentarians rather than by regulation. Beyond simply naming the agency that will

carry out the work, there is a great deal at stake in the related decisions. A crucial issue is how this agency will collect, manage and store personal information included in reports.

Once Bill C-22 is passed, Internet service providers will essentially be required to act as agents of the state in police investigations or they will be prosecuted. This is a new law, so we must be watchful and careful that it does not impinge on the rights and freedoms of those impacted by it.

Finally, even before taking steps to prevent privacy breaches and civil liberties infractions, those responsible for implementing the bill will have to work out all important practical matters, such as meeting funding and human and technical resource needs.

According to a news release issued this week by the Standing Senate Committee on Legal and Constitutional Affairs — this is scary and hard to believe — an estimated half million people worldwide are actively involved in the trafficking of child sexual abuse images on the Internet. The mind boggles at those figures. I think of the victims of these monstrous criminals and, like all honourable senators, instinctively want to protect them.

At the end of the day, though, Bill C-22 has been created to better equip Canada to protect children — our children, your children — from those who prey on their vulnerability. As such, it is another positive step in the right direction.

**The Hon. the Speaker *pro tempore*:** Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and bill read third time and passed.)

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Lang, for the second reading of Bill C-30, An Act to amend the Criminal Code.

**Hon. George Baker:** Honourable senators, I have been asked to say a few brief words on this bill. Before I do, I want to congratulate Senator Frum and Senator Raine who attended the Legal Affairs Committee last night with government members and did an excellent job of questioning government officials. The minister was there as well. I believe it illustrated the function of the Senate, which is to make sure that the intent of the legislation is understood.

• (1450)

The reason why I say that at the beginning, honourable senators is that I think Bill C-30, the bill we have before us now should be passed. In fact, I think the bill we have before us should have been passed years ago. I think it is an excellent piece of legislation. However, let me read and put on the record how the bill came here, keeping in mind the changing role of the Senate.

Children in school learn that bills are introduced at first reading when the title is read. At second reading the bill is debated in principle. The bill then goes to committee to be examined, and then it comes back for third and final reading in the House of Commons. That is not what happens these days. I will put on the record how this bill came here to the Senate. It is in one sentence.

Honourable senators, here is how the bill was dealt with in the other place — and this is not an exception these days. This is from the official version of the debates report, No. 115, Friday, December 10, 2010 at 10:40 in the morning.

**The Speaker:** That concludes the debate on this bill.

Pursuant to order made Tuesday, December 7, 2010, Bill C-30, An Act to amend the Criminal Code, is deemed read a second time, deemed referred to a committee of the whole, deemed reported without amendment, deemed concurred in at report stage and deemed read a third time and passed.

All stages, one motion.

I am not objecting to that, Your Honour.

**Senator Day:** I am.

**Senator Baker:** Honourable senators, I think that is the way Parliament has evolved. Anyone who wants to do away with the Senate had better give it a second thought because that is how things have evolved. Perhaps that is the way it should be because the other place is concerned more with politics, is tied up with Question Period and accountability of the government, while the legislative function is left to the Senate.

What would a researcher do if he or she wanted to find out what this bill means?

**Senator Banks:** What would a judge do?

**Senator Baker:** What would a judge do in finding out the purpose of this bill? This is a complicated bill we have before us. It is a great bill and I agree with it, but it is complicated. What would a judge do?

Honourable senators, the judge would say, there was no second reading, there was no committee stage and there was no third reading. That is the point. The Senate is the legislative function of the Parliament of Canada these days and we should keep that in mind.

Honourable senators, the mover of this motion is Senator David Angus — W. David, as we called him years ago. He used to be a great litigator, so far be it from me to be critical of W. David. In the mid-1960s, when I was a law clerk at a provincial table, he was before the Supreme Court of Canada. When I arrived on the Hill in 1974, Senator Angus was before the Supreme Court of Canada.

**Senator Day:** Same case?

**Senator Baker:** In the 1980s, he was before the Supreme Court of Canada as a litigator. He has appeared before the Quebec Court of Appeal and the Federal Court of Appeal.

**Senator Mercer:** There is a cash cow.

**Senator Baker:** Senator Angus even goes back to the Exchequer Court, Your Honour, and you will recall that from reading history, it was prior to the Federal Court. Senator Angus was the mover of this motion.

What is the foundation of this complicated bill that the other place has placed on the shoulders of the Senate to interpret and to pass at all stages? Your Honour, it all goes back to the Canadian Charter of Rights and Freedoms.

Honourable senators, today in Canada, everyone who is out on bail — or judicial interim release, as His Honour would call it, being a former professor of law — who has a condition that says that he or she is not to consume illegal drugs or drink alcohol cannot be tested. It no longer applies that a judge is able to give an order for a parole officer or officer of the law to ask for a breath, urine or blood sample from a person on parole. Why does it no longer apply? It is no longer applies because the Supreme Court of Canada ruled that it was a violation of section 8 of the Charter of Rights and Freedoms. That is why the Government of Canada is introducing this bill today.

Honourable senators, let me put on the record why we are here with Bill C-30. At paragraph 4 of the Supreme Court of Canada decision, *R. v. Shoker* is the person involved. It says:

Shortly after midnight on September 7, 2003, the complainant was awakened when a naked stranger was getting in her bed. The intruder, Harjit Singh Shoker, followed her when she fled to the kitchen to phone the police but he did not attempt to leave. On arrest, he told the police that he had been using a narcotic the previous day. Mr. Shoker did not testify at trial. He was convicted of breaking and entering a dwelling-house with intent to commit sexual assault.

The next paragraph examines the testimony of a Dr. Whittemore, who performed the psychological assessment on Mr. Shoker. Dr. Whittemore said that Mr. Shoker blamed his drug use for his behaviour, stating that he had been on speed at the time of the offence. The report described a history of substance abuse, including heroin, speed, cocaine and marijuana.

Honourable senators, the report also referred to a similar incident that had occurred a few months earlier. Mr. Shoker was charged and was awaiting trial for that offence. At the time of the earlier incident, Mr. Shoker said he was under the influence of drugs.



Here is a man who committed a second offence within three months — break and enter for purposes of committing an indictable offence, namely sexual assault. Dr. Whittemore said he was recommending that random urinalysis be done to assist in managing Mr. Shoker's risk to the community when he was released from jail.

The trial judge sentenced Mr. Shoker to 12 months' incarceration, to be followed by a two-year period of probation, subject to a number of conditions.

One of the conditions is found in paragraph 6, Condition 9:

Abstain absolutely from the consumption and possession of alcohol and non prescription narcotics and to submit to a urinalysis, blood test or breathalyzer test upon the demand/request of a Peace Officer or Probation Officer to determine compliance with this condition.

Honourable senators, Mr. Shoker went to jail but he disputed the fact that he would have to be subjected to urinalysis when he came out to find out if he had a narcotic in his body.

• (1500)

He took it to court, and went to the Court of Appeal and the Supreme Court of Canada. The Supreme Court of Canada ruled that he was right and that it was unlawful. Why? As honourable senators know, there is a case called *R. v. Collins*, in which it says a search can be legal only if it is authorized by law, if it is a reasonable law and if the search is conducted reasonably. Those are the three components of a legal search. The Supreme Court of Canada said it is not authorized by law.

Honourable senators, that was in 2006. For five years we have been without the authority in this country for the police and parole officers to check on people who are out on condition, judicial interim release or probation following a jail term. That authority is what this bill provides. It is a complicated bill. It is a long bill, but that authority is what it provides.

Senator Angus, in describing the bill, made two excellent points, among all the other excellent points he made. He said: "For example, from April 1, 2005 to March 31, 2006, some 236,000 individuals in Canada were convicted of a Criminal Code offence."

When individuals are charged, as honourable senators know, they are brought before a judge within 24 hours. Following that is their application for bail, after which their conditions for release on bail are given. According to Senator Angus, 80 per cent of the cases of violent crimes in Canada involve the consumption of illegal drugs or alcohol.

There is that group of people. Then there are people released on conditions and on probation. Since this decision of the Supreme Court of Canada, a judge could not authorize the taking of a sample to prove that someone was complying with a condition of their release.

Honourable senators will note that these offences are considered to be indictable, criminal offences. There are 3.6 million Canadians with criminal records as per the Identification of Criminals Act. As

honourable senators know, a criminal, in the Identification of Criminals Act, is not someone convicted of a summary offence. It is someone convicted or held for trial and who is charged with an indictable offence. That is subparagraph 2(1)(a)(i) of the Identification of Criminals Act in Canada.

Someone who is charged with a summary conviction offence is not covered under the Identification of Criminals Act. I want to make that distinction clear.

Therefore, 3.6 million Canadians today — over 10 per cent of the entire population of the country — have a criminal record as identified in the Identification of Criminals Act. We have 14 per cent of the entire population of the country who are of voting age with criminal records, and that percentage is increasing.

Senator Angus goes on to make an interesting point. He says that two standards are set under this new law. Do not forget that a system will be set up whereby parole officers and police officers can check whether someone is in compliance with their conditions of release; that is, officers can take a breath sample, a urinalysis or a blood test.

One group of people will be on the basis of grounds to suspect; the other group will be on grounds to believe. As honourable senators know, there is quite a difference between those two. Those grounds will apply to what they are released on and why they are released. Is it a part of their trial? Is it a part of their sentence? As honourable senators know, if there are grounds to suspect, and it is a part of their sentence, they have to submit to the inspection by the police officer.

What is the difference between "suspect" and "believe" in these cases? If someone has glassy eyes and slurred speech, those things are grounds to suspect. However, it is possible that anyone can have glassy eyes and slurred speech without being intoxicated or under the influence of drugs. If that person was also unsteady on their feet, stumbled when they walked and could not perform certain exercises, then that person would give reason to believe that they are guilty of the offence.

Senator Angus spells out this difference clearly.

I recommend to all honourable senators that we pass this bill. It is an excellent bill. Ensuring compliance with the Charter is one of the functions of Parliament and it is left to the Senate to determine compliance.

In conclusion, let me deliver some bad news for Senator Stratton.

**Senator Stratton:** I have been waiting for this.

**Senator Baker:** There is sad news for Senator Stratton today. The law that Senator Stratton was being referenced regarding, in all of our courts, was struck down yesterday as being unconstitutional.

**Some Hon. Senators:** Oh, oh.

**Senator Baker:** It was struck down by the Ontario court.



When we were studying the bill, I recall a senator to my right, who said, when we reached that section of the bill, It seems to me this may lead to a constitutional challenge.

The lawyers from the Department of Justice Canada were there and said, no, we checked this out and we are sure it would not lead to a constitutional challenge.

That senator to my right was Senator Joyal. It did lead to a challenge and it was struck down by the court. We hope the Department of Justice Canada noticed. We know they always pay attention to what goes on in the Senate, and we hope they will obtain a copy of the judgment. It is not yet on Westlaw or Carswell, but I have a copy if they so wish to have one.

It is too bad; I suppose Senator Stratton could be compared to the line in *Macbeth*: "Out, out, brief candle!" He strutted his time upon the stage in Canadian case law, but now he will be heard from no more.

**Hon. Terry Stratton:** Would the honourable senator take a question?

**Senator Baker:** Absolutely.

**Senator Stratton:** I will put it in the form of a question after I make the statement. The honourable senator might not have heard me, but there is an old Yogi Berra statement that "it ain't over til it's over."

Well, honey, is it over; is there an appeal?

**Senator Baker:** "It ain't over til it's over." I am sure officials from the Department of Justice Canada are listening to us now and they have 30 days to appeal to the Superior Court.

As Senator Stratton knows, and as His Honour knows, being a professor of law, the seriousness of this decision is that there is such a principle as *stare decisis*; in other words, "it has been decided." That decision means the courts at that level would necessarily follow that within the jurisdiction. However, since it is Ontario, it is normally used as precedent for other provinces. What is needed is an appeal to the Superior Court of Ontario.

• (1510)

In the meantime, there may be a lot of cases in which the certificate will be ruled unconstitutional unless this is overruled. I feel certain that the Department of Justice is listening to these proceedings. It is, of course, a provincial prosecutor that we have and — as Senator Andreychuk, a judge, knows — it is a provincial prosecutor and the provincial Attorney General who would have to ask for an appeal. I am sure they would do so within 30 days.

**The Hon. the Speaker pro tempore:** Are honourable senators ready for the question?

**Hon. Senators:** Question.

[ Senator Baker ]

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Bill read second time.)

REFERRED TO COMMITTEE

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[Translation]

## KEEPING CANADIANS SAFE BILL

### SIXTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honorable Senator Wallin, seconded by the Honorable Senator Stratton, for the adoption of the sixth report of the Standing Senate Committee on National Security and Defence (Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, with amendments), presented in the Senate on March 1, 2011.

**Hon. Roméo Antonius Dallaire:** Honorable senators, I am pleased to rise today to speak to the sixth report of the Standing Senate Committee on National Security and Defence on Bill S-13.

[English]

I rise to speak to Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America.

[Translation]

I would first like to outline the purpose, background and provisions of Bill S-13, as discussed in committee.

The bill before this chamber deals with a treaty. The bill will implement, in Canada's domestic law, the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America. This is an international treaty signed by the representatives of our respective governments in May 2009.

The purpose of this legislation, as indicated in clause 3 of the bill, is to provide additional means to prevent, detect and suppress criminal offences and violations of the law in undisputed areas of the sea or internal waters along the international boundary between Canada and the United States, and also to facilitate the investigation and prosecution of such offences and violations.

The bill reflects the obligations set out in the framework agreement entered into by our two countries. However, this bill is related to another bill that is still being studied in the other place. I am referring to Bill C-38.

[English]

An Act to amend the Royal Canadian Mounted Police Act and to make consequential amendments to other Acts.

[Translation]

We have before us a bill that depends on the passage of another bill currently being studied in the House of Commons. I can tell you that that bill gave rise to an interesting debate. There were lively discussions about amendments that were then defeated. Our bill therefore risks being amended if Bill C-38 is passed. If ever Bill C-38 were not passed, Bill S-13, if passed, will come into force. So why such complicated wording that only legal experts or honourable senators better versed in interpreting legislation can understand?

To get back to the bill that is before us, the concept of the operations, known as Shiprider, was designed to improve the ability of Canadian and American law enforcement agencies to prevent, detect and suppress criminal activities that threaten national security or the economic interests of our respective countries. Essentially, the bill would allow RCMP officers to be designated as peace officers in the United States. The bill would also allow American Coast Guard officers to be designated as peace officers in Canada. For example, Canadian peace officers engaged in a pursuit in waters on the Canada-U.S. border would be authorized to continue their pursuit and proceed with an arrest, even if the offending ship enters U.S. waters, and American peace officers would have the same privilege.

The program was designed to ensure continuity in law enforcement in our two countries through the signing of reciprocal access agreements. These agreements would allow Canadian and American peace officers to operate in the other country's waters while remaining in their respective vessels.

The Standing Committee on National Security and Defence heard witnesses, including two representatives of the RCMP: Bob Paulson, Deputy Commissioner, Federal Policing, and Joseph Oliver, Chief Superintendent and Director General, Border Integrity, Federal & International Operations. These witnesses confirmed what committee members had read in the 2007 Shiprider evaluation report. The success of the Shiprider program is mainly due to the fact that it meets a real need in the marine sector, particularly with respect to the ongoing obligation to intervene in illegal cross-border activities carried out by organized crime groups. The integration of RCMP and American Coast Guard personnel was effective. Missions were carried out safely and successfully. People on both sides of the border responded favourably to the Shiprider program. Senator Wallin shared the specific results with us yesterday.

[English]

Nonetheless, the evaluation report found that the Mohawk territory that bridges the Canadian-American border in the Cornwall-Massena area represents unique law enforcement

challenges given the multi-jurisdictional nature of the geographic area. It recommended the consultation and engagement of the Aboriginal communities of Akwesasne and St. Regis in the development of future initiatives in this territory.

This view on the involvement of Aboriginal peoples in the Shiprider program was confirmed when our committee heard from representatives of the Mohawk Council of Akwesasne. Mr. Brian David, Acting Grand Chief of the Mohawk Council of Akwesasne, who was generally positive about the purpose of Bill S-13, stated:

I think that any initiative that has as its core objective the eventual effective harmonizing of the environment, the legal textual framework and substance, the operating environment of the territory of Akwesasne would certainly be welcomed and certainly is welcomed as part of what we are trying to accomplish in our nation-building initiative with Canada.

However, he went on to express certain reservations. He asked:

How will the police distinguish the good people in Akwesasne from the not-too-good people in Akwesasne? How will these activities disturb some of the customary traditional patterns we have in the river system, like fishing or trapping, and our use of the river system as such? How does this dovetail into some of the rights we have already established in the Supreme Court of Canada and those that we have under way? How does this dovetail into the direction that our community is moving with its nation-building initiative — the self-government negotiations with Canada?

It is difficult to say. I can see where it might be very supportive, but it could also be detrimental to many of these initiatives that we have under way, if it is not properly administered . . .

Later in his testimony, Mr. David said that if the Shiprider program operates within Akwesasne territory then Akwesasne needs to be part of the formula.

• (1520)

Honourable senators, those are significant concerns. The acting grand chief also expressed concern that the Mohawk government was not involved in any of the negotiations of the framework agreement and that their council leadership was informed of the project only two weeks before its implementation. Looking forward, it is important that the Canadian government undertake greater efforts to fulfill the duty to consult and accommodate Canada's Aboriginal peoples. They were involved with Shiprider and have been working to make it a success.

It is also important to recognize that Canadian sovereignty is, to a certain degree, at play in this bill. We should be concerned about the large capabilities of the Americans and the relatively small Canadian capabilities in the area. Take, for example, the Great Lakes. The proposed legislation would put Canadian law enforcement agents on American vessels. We can thus expect to see many more American vessels in Canadian waters. Americans



are deploying unmanned air vehicles, FLIR equipment and other sophisticated systems, including access to heavy weapons; although in Shiprider, the police and the Coast Guard are limited to personal weapons.

Honourable senators, this treaty legislation really leaves us, as parliamentarians, very little room to manoeuvre. This brings me to a recent announcement in which the Prime Minister of our country and President Obama signed an agreement to pursue a North American perimeter. If they have signed that, what is Parliament within that? If it is a treaty, where do we stand in influencing its content? As an example, Parliament must be involved, and ultimately an agreement must be subject to parliamentary approval. Of course, that is what we are doing. In any agreement, the devil is in the details and will need to be scrutinized carefully. It is in Mr. Harper's interest to work with Parliament in this current new agreement as negotiations proceed so that negotiators are mindful of what Parliament is prepared to accept, just as, surely, the Obama administration will no doubt be working with the U.S. Congress.

We always worried about the building of fortress North America. If parliamentarians are not within the process, the danger that it actually will happen is quite possible. Will that limit our sovereignty? Will it affect our laws, immigration, human rights, and such? That is for the next round.

As stated in recommendation 4 of the Brown task force report regarding Shiprider, *Rebuilding the Trust: Report of the Task Force on Governance and Cultural Change in the RCMP*, specifically oriented on the RCMP, the Brown report says that the RCMP should not assume new responsibilities without first ensuring that it has the wherewithal to do so. It should also be remarked that the RCMP-U.S. Coast Guard Shiprider 2007 impact evaluation final report states:

The RCMP will have to make a considerable investment in time, money and human resources to effectively put into place full-time operational Shiprider units. This will be a significant undertaking for the force and a departure from its focus on land-based activities. The U.S. Coast Guard will not have as significant a hurdle to surmount in this regard however, the logistics of establishing new units within existing national infrastructure will require careful planning and implementation.

I have reservations about Bill S-13 because neither the RCMP nor the Minister of Public Safety provided any idea of the new equipment or personnel or training and overall cost required to implement this proposed legislation. They tell us that they will generally be able to absorb the costs and requirements of implementation. Yet, we currently have very limited capability, especially given that the U.S. Coast Guard will be involved in Shiprider operations, while the Canadian Coast Guard is not. Also, we should keep in mind that the U.S. Coast Guard is a military, multi-mission maritime service and one of that country's five armed services.

The Standing Senate Committee on National Security and Defence was not informed of any concrete or even abstract plan to bolster Canada's respective capability in order to create a more balanced operating environment with the Americans.

We will end up putting RCMP on more American naval capabilities, which then permit the American naval capabilities to be in our waters more often. It may not be fiddling with our sovereignty, but that familiarity does put, in my opinion, our respect of our border and our sovereignty at risk if it can be or if it should be abused.

I request five minutes, if I may.

**The Hon. the Speaker pro tempore:** Are you asking for more time?

**Senator Dallaire:** Yes.

**Senator Comeau:** Five minutes.

**The Hon. the Speaker pro tempore:** Please proceed.

**Senator Dallaire:** Honourable senators, the Minister of Public Safety tells us that this is a net gain for Canada because we will be riding on the backs of the Americans in terms of our capacity to enforce Canadian law. Tell me how our sovereignty will not be at tested, given these circumstances. You own the ship; you are going to really make it run.

Ironically, the government uses a different argument in the Arctic, where it recognizes the need to have Canadian equipment and vessels and personnel in order to establish and confirm our sovereignty. In my opinion, security on the border is better guaranteed by a "deep" border concept; that is, not a thick physical border, but, rather, a smart border that uses multiple types of resources to reinforce on-the-ground surveillance and over-the-water surveillance. It is my belief that the proposed legislation would make it essential that intelligence material and systems of intelligence gathering be shared between the two countries without reserve. Ultimately, this could pose a problem due to our limited intelligence agencies and in numerous and extensive web of intelligence agencies in the United States, including the U.S. Coast Guard, which is still a military service and thus protective of that dimension of its sources of intelligence.

Honourable senators, for a government that prides itself on transparency, accountability and fiscal responsibility, this is a difficult comportment to justify. In order to fulfil our legislative duties responsibly, we need full disclosure of information concerning the costs of implementing legislation. It is unsatisfactory to say we can simply find the financial costs of this program in a future budget. Before approving new programs, parliamentarians have a duty to taxpayers to ensure they know the cost associated with implementation.

• (1530)

The problem is this: Can the Senate get engaged in such endeavours? Can we actually pass legislation that calls for expenditures, or is that out of our realm? We never received an answer on cost inasmuch as the witnesses, including the minister, said it would essentially be absorbed. So, seemingly, there are no new costs and no figures were provided. Does that get us off the hook? I would contend it is perhaps a question of ethics versus a question of procedure.

Last, the proceedings of the clause-by-clause review of Bill S-13 in our committee were conducted without broadcasting, as required in the Senate. The steering committee decided to do this without broadcasting. It is an essential requirement of a democracy that the legislative process be open and transparent. Committee proceedings, particularly when undertaking clause-by-clause review of proposed legislation, should be as accessible to the public as reasonably possible. Let us not forget that this is, after all, their Parliament. Video broadcast makes our committees more accessible and transparent and, in certain instances, allows viewers to glean additional information that would otherwise be inaccessible from a mere audio broadcast.

Indeed, video broadcasting is the main vehicle for informing the public about our committee proceedings. Public access to the legislative process guarantees the integrity of our democracy inasmuch as the transparency that flows from access ensures that law is made in a manner that is not arbitrary but in accordance with the principles of fairness.

Openness fosters democratic discourse as well as truth-finding. In not having that broadcast, committee proceedings are less accessible to the public, thereby undermining the integrity and openness of the legislative process. Thus, I was disappointed with the decision to not have our proceedings broadcast in committee while we did the clause-by-clause analysis of Bill S-13.

**The Hon. the Speaker *pro tempore*:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question.

**The Hon. the Speaker *pro tempore*:** It was moved by the Honourable Senator Wallin, seconded by the Honourable Senator Stratton, that this report be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

(Motion agreed to and report adopted, on division.)

**The Hon. the Speaker *pro tempore*:** Honourable senators, when shall this bill, as amended, be read the third time?

(On motion of Senator Wallin, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.)

## INCOME TAX ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Banks, for the second reading of Bill S-221, An Act to amend the Income Tax Act (carbon offset tax credit).

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, in Senator Dickson's absence, I have taken it upon myself to provide some remarks on Bill S-221 so that it may go on to committee.

Bill S-221 proposes to offer individuals a personal income tax credit for investing in eligible carbon offset projects, with the objective of reducing greenhouse gases. The credit would be worth 15 per cent of an individual's total investments for the year.

Honourable senators, we all recognize that reducing greenhouse gas emissions is important for the health of our planet. This is an issue that is important to all Canadians, and it is a priority of the government.

Bill S-221 sets out grand principles, but it fails to consider the nuts and bolts needed to construct an effective measure. Even if this measure were designed properly, it would not likely reduce greenhouse gases. This bill would also be expensive, mainly due to the administrative structure it would require. Let me elaborate on this.

The bill seeks to promote so-called carbon offset projects. This is a term that might not be known by all members. However, a clear definition of carbon offset projects is fundamental to this bill.

A carbon offset project can refer to many things, including projects that avoid, reduce, displace or mitigate the effects of carbon dioxide emissions. These projects can take a variety of forms.

For example, a carbon offset project could involve improving the energy efficiency of commercial buildings, capturing methane gas from landfills, or planting a tree.

This leads us to one of the biggest failings of the bill: how would we be able to identify an eligible project? Although I can provide some examples, the harder thing is to set out clear criteria to tell us, for every example we look at, whether or not it would be an "official" carbon offset project, one that could or should be designated for the purposes of the tax credit at the heart of this bill.

Would a carbon offset project be eligible while it is under development, or would proof be required that the project is finished and has, in fact, reduced carbon emissions? Again, I would emphasize that it would be important to establish the right principles for choosing.

Honourable senators, a vague definition of eligible offset projects will take us into all sorts of grey zones and uncertainty.

What is the solution? Bill S-221 simply puts the responsibility on the Minister of National Revenue to sort it all out without basic guidelines in the bill that a minister could use to determine which projects would be eligible.

Let me be clear. Many people around the world, as well as here in Canada, have been developing the kinds of guidelines we are talking about. There are several voluntary markets out there, each



using their own individual guidelines for approving carbon offset projects. I use the term “approve” loosely. Some make use of third party verification; others have none at all.

In fact, there is no national consensus on eligibility requirements for carbon offset projects. As such, there are no standardized guidelines to ensure that carbon offset projects achieve real, incremental, quantified, verified and unique reductions of greenhouse gases.

These are fundamental questions of environmental policy that many governments around the world are struggling with. How can the Minister of National Revenue decide whether or not to provide a carbon offset tax credit if he does not know which projects to approve?

The implementation of Bill S-221 is entirely impractical.

The failure to define this most fundamental aspect of the bill is one problem. There are others.

For example, the bill does not clearly define what would constitute an “investment” in a carbon offset project and, perhaps more important, how an individual would participate as an investor in a carbon offset project.

When we think of carbon offset purchases, we typically think of a business that is trying to meet a regulatory target. The concept is this: If a business needs to reduce their emissions by a certain amount, they can do it in one of two ways. They can either reduce their own emissions, or they can purchase carbon offsets from another company that can reduce carbon emissions more cost-effectively.

It is a bit difficult to see why individuals — and this bill is about individuals, not businesses — would invest in the first place.

In some cases, an individual might decide to voluntarily purchase an offset for the good of the environment. In fact, a potential mechanism already exists through the personal income tax system that would facilitate these transactions. For example, taxpayers could donate to environmental organizations for the purchase of voluntary carbon offset credits and claim a generous tax credit for the charitable donation if the recipient organization is a registered charity. It is already there. The federal credit of 15 per cent on the first \$200 and 29 per cent for every dollar in excess of \$200, combined with provincial credits, can be worth up to 45 per cent of the donation. In other cases, the individual might want to be a direct investor in a carbon offset project, perhaps by buying shares in the project or lending money.

• (1540)

In any case, carbon offset projects such as the development of alternative energy sources will require massive capital investments. The financing for such projects will come from capital markets in Canada, and internationally.

Individual investors may be one source of capital, but in today's globally integrated financial markets, individual investors are relatively small players. The major source of investment consists of large-scale corporate and institutional investors. In this

context, it is hard to believe that a 15-per-cent tax credit for individual investors would increase the supply of capital significantly for major carbon offset projects, or lower the cost of capital. This is all for the kinds of costs, even to begin with, to administer such a program.

The overall results: The main beneficiaries from the proposed tax credit would be individual investors, but there likely would not be any significant reduction in carbon emissions as a result of this bill.

In terms of effectiveness, there is nothing in the bill that prevents someone from investing in a carbon offset project and then selling that investment to another individual. This practice could lead to multiple taxpayers receiving a tax credit for the purchase without generating any further carbon reductions.

One clear reason the credit would not be effective is that there is no clear valuation mechanism or standards to ensure that the public subsidy for the carbon offset project — in this case, the tax credit — would result in a cost-effective reduction in carbon emissions. The amount of carbon reduced could vary significantly for every dollar spent, depending on the type of project being implemented.

Honourable senators, given that the Senate is the house of sober second thought, and that we like to pursue these items further, and these matters are quite valuable for a committee to study, and without giving any indication that this side supports this bill in any way, shape or form, I would suggest that we send it to committee with further evaluation, where I think it will receive the proper attention it deserves.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read a third time?

(On motion of Senator Tardif, bill referred to the Standing Senate Committee on National Finance.)

## MAPLE LEAF TARTAN BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Elizabeth Hubley** moved second reading of Bill S-226, An Act to recognize the Maple Leaf Tartan as the national tartan of Canada.

She said: Honourable senators, it is pleasure I rise today to move second reading of Bill S-226, which would recognize the Maple Leaf Tartan as Canada's national tartan.

The Maple Leaf tartan has been Canada's unofficial national tartan for many years. It is time to recognize the rich contribution Canadians of Scottish descent have made to this country by adopting a national tartan for Canada, which can be worn by every Canadian, regardless of their ancestry, as a symbol of national pride.

Around the world, there is an estimated 40 million people who claim Scottish descent. According to Statistics Canada data, almost 5 million Canadians claim Scottish origin. That is almost 15 per cent of Canadians. In my home province of Prince Edward Island, almost one in three Islanders claim Scottish origin.

Since the 17th century, Canadians of Scottish origin have played a significant role in the evolution of Canada and in its leadership in the fields of politics, science, education and the arts. Many Canadian universities were founded by Scots: the universities of Toronto, McGill, Queen's, St. Francis Xavier, Dalhousie and Saint Dunstan's, to name a few.

In the field of politics and law, there have been many Scots who played a large role in developing our country: Sir John A. Macdonald, Alexander Mackenzie, William Lyon Mackenzie King, Agnes MacPhail, Tommy Douglas, Kim Campbell, Beverley McLachlin, and even Pierre Trudeau, who was of Scottish descent on his mother's side.

Director James Cameron, musicians Wilf Carter, Joni Mitchell and Sarah McLachlan, and actors Donald Sutherland, Keifer Sutherland, and Eric McCormack are all Canadians of Scottish descent, as is actor Jim Carrey, whose mother is from the Gordon clan.

Alexander Graham Bell gave us the telephone. James Naismith gave us basketball. Alexander Keith gave us Keith's beer.

Honourable senators, the list of Canadians of Scottish descent who have contributed to shaping all aspects of our growth as a nation is endless. After all, as late as the 1960s, the third largest ethnic group in this country after English and French were those of Scottish descent. In fact, as I look around this chamber, I see many colleagues who, like me, are of Scottish descent.

My grandmother was a MacLeod, and even as a young girl I recognized the importance of my Scottish heritage. My mother made sure all her children attended the Highland games and local ceilidhs. I was encouraged to participate in Highland dancing and in Scottish step-dancing competitions. I remember the thrill as a young girl of meeting Dame Flora MacLeod, who was the clan chieftain at the time, and having the privilege of dancing for her. I still wear my MacLeod tartan with pride.

A tartan is probably the most visual expression of Scottish heritage and culture. Although the earliest evidence of tartans dates to the Hallstatt culture that flourished between 400 BC to 100 BC, and was linked to the ancient Celtic populations, tartans became widespread in the 16th century in Scotland. By the late 17th century, some uniformity was growing in the use of tartans and they could be used to distinguish the inhabitants of different regions.

Weavers used natural dyes locally available to make their tartans, and these regional tartans or district tartans eventually were claimed by the clan or family who was most numerous in the area as their clan tartan. Often these clan tartans are worn by those who feel associated with the tartan.

Since the Victorian times, some have claimed there is etiquette to wearing a tartan, and only those with connection to a family tartan should wear it. However, not all tartans are associated with a particular clan. Some tartans, known as free tartans or universal tartans, can be worn by anyone. Examples of these free tartans are the Black Watch, which is also known as the Government, Universal or Campbell tartan, as well as other tartans such as the Caledonian, the Hunting Stewart and the Jacobite. That being said, there are no rules about who can and who cannot wear a particular tartan.

Although tartans were originally woven from wool and made into clothing, most notably kilts, they are now made of other materials and can be found printed on a variety of materials such as cups, notebooks, purses and even furniture.

Many organizations and regions have created their own tartans. Most provinces and territories in Canada have adopted an official tartan, with the exception of Quebec and Nunavut. Some municipalities and counties in Canada have also adopted official tartans.

• (1550)

The Maple Leaf Tartan was created in anticipation of Canada's centenary. Designed in 1964 by David Weiser of Highland Queen Sportswear Limited in Toronto, the Maple Leaf Tartan pattern incorporates the green of the leaves' summer foliage, the gold that appears in early autumn, the red that appears with the coming of the first frost, and the brown tones of the fallen leaves.

David Weiser, the talented designer who designed not only the Maple Leaf Tartan but also the Quebec Tartan, the Ontario Tartan and the Niagara Falls Tartan, died in 1990. However, I have been in contact with David Weiser's son, Howard Weiser, and his grandson, Mark Weiser.

David Weiser was born in Ukraine and immigrated with his family to Canada as a toddler. His father took a job in the garment industry in Toronto when the family arrived in the country. When his father became ill, David left school and went to work in the industry to help support the family. He learned garment making and design from the ground up, and became a talented and prolific designer. His son, Howard, followed him into the garment business. Although he is retired, Howard's son Mark works in the industry — making four generations of talented designers and garment makers in the Weiser family. I am pleased to inform honourable senators that the family is delighted with Bill S-226 and supports the designation of the Maple Leaf Tartan as the official national tartan of Canada.

The Maple Leaf Tartan made a big splash in the fashion industry after its introduction in 1964. A review of news clippings from that time indicate that it was worn by Canadian athletes



competing abroad, by a Canadian on a U.S. fashion tour, and by Canada's dairy queen at the British agricultural fair in London. It was even modelled at a private fashion show for the Queen Mother.

In the 1960s and 1970s, clothing made with this tartan was available for men, women and children in department stores, such as Eaton's and Simpson's. Today, the tartan is not usually available in department stores but is still sold widely in tartan and fabric shops. It is worn by the Pipes and Drums of the Royal Canadian Regiment, by staff at a major hotel chain in Nova Scotia and by individuals who appreciate this beautiful tartan. Fittingly, performers at the closing ceremonies of the Vancouver Olympics last year wore the Maple Leaf Tartan.

Honourable senators, the Maple Leaf Tartan was registered as an industrial design in 1964 by Highland Queen Sportswear Limited of Toronto; but it is now in the public domain as design rights expired in 1974. A sample of the tartan was sent to the Scottish Tartan Society in 1964 after an article appeared in the *Dundee Evening Telegraph*, a Scottish newspaper, reporting on the new tartan's appearance at a fashion show for the Queen Mother. It was first entered in the Register of All Publicly Known Tartans and registered in 1964. In the late 1990s, the Scottish Tartan Society became defunct. The Register of All Publicly Known Tartans formed the basis of a new International Tartan Index maintained by the Scottish Tartans Authority, a charitable organization started by several former members of the Scottish Tartans Society. The Maple Leaf Tartan's International Tartan Index number is 2034, as identified in the original Register of All Publicly Known Tartans.

In February 2007, Secretary of State Jason Kenney asked the Scottish Tartans Authority in Edinburgh, Scotland, to issue a certificate for the Maple Leaf Tartan in the name of the Dominion of Canada. I have a copy of that certificate, which confirms the Maple Leaf Tartan, as originally registered in 1964, as the de facto national tartan of Canada. As the government indicated in a press release in 2008, by doing so, they wished to ensure that no other country or individual could lay claim to the tartan.

Honourable senators, I should note that the records of the defunct Scottish Tartans Society have been maintained by a second charity created by other former members of the society. Known as the Scottish Tartans World Register, this database was also based on the Register of All Publicly Known Tartans. It records the Maple Leaf Tartan with reference number WR2034. In 2009, the Scottish Register of Tartans was established as part of the National Archives of Scotland to act as an independent, accessible and sustainable registry for tartans. The National Archives of Scotland has worked with the Scottish Tartans Authority and the Scottish Tartans World Register to amalgamate their former databases into a single dataset for the registry. The new Scottish Register of Tartans does not assign a new identification number for tartans already registered but uses the reference from the original databases. Therefore, in the new register, the Maple Leaf Tartan is identified by its reference numbers in both databases — the Scottish Tartans World Register and the International Tartans Index of the Scottish Tartans Authority. In the bill, I choose to identify the tartan by its Scottish Tartans Authority International Index Number 2034,

keeping the same method of identifying the tartan as the government kept in 2007. As I indicated, this same number also appears in the new Scottish Register of Tartans.

It is important to note that by registering a tartan in the Scottish Register of Tartans or in any of its predecessor databases, as was the case with the Maple Leaf Tartan, no rights are conferred. It is simply a register of unique designs.

Honourable senators, currently there is confusion about the status of the Maple Leaf Tartan with some believing that by claiming the tartan in the name of the Dominion of Canada with the Scottish Tartans Authority, the government has recognized the tartan officially. That is not the case. Official symbols are created by official proclamation, by order-in-council, by resolutions adopted in both Houses of Parliament or by an act of Parliament. This is why the Canadian Heritage website lists the Maple Leaf Tartan as Canada's unofficial national tartan. Bill S-226 would change that.

Honourable senators, I have had conversations with the minister's office and I understand that the Minister of Canadian Heritage is supportive of the bill. The family of the designer, David Weiser, is supportive of the bill. The Clans and Scottish Societies of Canada, which has more than 45 member organizations from all across this country, is supportive of this bill.

I ask honourable senators to support this bill, which would declare officially the Maple Leaf Tartan as Canada's national tartan — a tartan that can be claimed by every Canadian regardless of his or her ancestry.

(On motion of Senator MacDonald, debate adjourned.)

## CONTROLLED DRUGS AND SUBSTANCES ACT

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Brown, for the second reading of Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

**Hon. Sharon Carstairs:** Honourable senators, I was asked by Senator Lang prior to the break week when I would be prepared to speak to this bill. I had hoped to speak to it this week, but I had an extremely busy week of speeches in three cities, including his city of Whitehorse. Therefore, I am not ready to speak to the bill so I move the adjournment in my name.

(On motion of Senator Carstairs, debate adjourned.)

• (1600)

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### THIRTEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Committee on Internal Economy, Budgets and Administration (*Senate budget for 2011-2012*), presented in the Senate on March 2, 2011.

**Hon. David Tkachuk** moved the adoption of the report.

He said: Honourable senators, I am pleased to present the 2011-12 Senate Main Estimates. The budget amounts to \$93,956,182, which represents an increase of \$1,085,082, or 1.17 per cent, over the 2010-11 Main Estimates. This increase cannot be avoided. In fact, the only increase relates to a non-discretionary increase in senators' contributions to the employee benefit plan. It seems that the Treasury Board, from time to time, uses different numbers to calculate benefits, and this year they are asking us to use 18 per cent of total salaries rather than 17 per cent: hence, the increase.

The budget provides a realistic funding level to enable the Senate to carry out its constitutional role and to administer the affairs of the Senate for the coming year. The Senate voluntarily adhered to the federal Budget 2010, and there was no increase to the operational budget. As part of the preparation process for the Main Estimates 2011-12, the Senate administration undertook an extensive expenditure review exercise during the summer period. The objective was to review historical spending for every Senate administration directorate, and to identify and understand patterns, review centralized budgets usage and identify possible areas of savings or deficiencies.

I believe that the Senate administration succeeded in identifying these reductions to cover amounts required for statutory increases. Honourable senators will find the details in the executive summary that they received with the committee report that was presented to the Senate.

In closing, I would like to take this opportunity to thank the administration, the senators and their staff for their work in this complex undertaking. The Senate is a vital part of our parliamentary system, promoting better policies and investigating a wide range of social, economic and cultural issues. I ask honourable senators to support the adoption of this report.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY

### FIRST REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the first report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *Canada and Russia: Building on today's successes for tomorrow's potential*, tabled in the Senate on March 31, 2010.

**Hon. Consiglio Di Nino:** Honourable senators, I have taken some time to prepare notes on this item. Yesterday they were sent to translation so that I can deliver, as is my usual style, part of my remarks in each official language. I intend to speak on this item next week, if the translation is completed by then.

Therefore, I move the adjournment of this item in my name for the remainder of my time.

(On motion of Senator Di Nino, debate adjourned.)

## GOVERNMENT PROMISES

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the litany of broken promises by the Harper administration, beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

**Hon. Pierre De Bané:** Honourable senators, I ask leave of the Senate to table, in both official languages, the notice for the position of vice-chair of the Canadian Radio-television and Telecommunications Commission published in the *Canada Gazette* in June 2010.

**The Hon. the Speaker:** Is leave granted?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Yes.

**Senator De Bané:** Honourable senators, yesterday, in response to a question that I put to the honourable Leader of the Government, the leader said she was amazed by my question and asked why I was so obsessed with putting those questions to her.



I have here the 23 questions that I asked of the Leader of the Government in the Senate. Except for her repeated statement that the selection of the vice-chair of the CRTC followed a rigorous, transparent, impartial and independent process, she has answered none of the 23 questions I put to her.

If the system, the procedure and the selection of the vice-chair was rigorous, independent, impartial and transparent, why were none of the 23 questions I put ever answered?

That process is particularly troublesome in light of the commitment that the Prime Minister made in 2006 when he said that he was going “change the way business is done in Ottawa forever.”

The then President of the Treasury Board, Minister Baird, upon the introduction of Bill C-2, promised that the Accountability Act would transform how things are done in Ottawa.

There is absolutely no way that an independent, rigorous selection committee could have appointed to that position a lawyer who specialized in criminal law in Montreal.

• (1610)

Let me read to you a few sentences of the three-page document that was published in the *Canada Gazette*:

[Translation]

The CRTC is responsible for regulating and supervising all aspects of the Canadian broadcasting system with a view to implementing the policy set out in the Canadian Broadcasting Act. It also regulates telecommunications in Canada to implement the policy set out in the Telecommunications Act.

Reporting to the Chairperson of the CRTC, the Vice-Chairperson is responsible for assisting the Chairperson in providing effective leadership to the Commission, assuming responsibility for broadcasting issues, and providing executive support in the management of an independent regulatory body.

Extensive experience in providing corporate direction and leadership is required, as well as experience in the operation and conduct of a quasi-judicial tribunal, an agency or an equivalent.

The qualified candidate should possess proven senior level decision-making experience with respect to sensitive and complex issues. The position requires experience in developing, maintaining and managing successful stakeholder relationships and partnerships.

The suitable candidate should possess extensive knowledge of the legislative framework and mandate of the CRTC; knowledge of the theories, practices and procedures related to administrative justice, especially related to quasi-judicial bodies; and an understanding of the relevant global, societal and economic trends, stakeholders' concerns, the government's policy agenda and how it relates to the CRTC.

I could continue on like that for another three pages.

[English]

In English, it lists these qualifications: extensive experience in providing corporate direction and leadership; experience in the operation and conduct of quasi-judicial tribunal, an agency or equivalent; proven senior level decision-making experience with respect to sensitive and complex issues; experience in developing, maintaining and managing successful stakeholder relationships and partnerships within and outside an organization; and experience formulating cultural and regulatory policy.

Under “knowledge that would be considered an asset,” it lists: extensive knowledge of the legislative framework and mandate of the CRTC; knowledge of the theories, practices and procedures related to administrative justice, especially related to quasi-judicial bodies; understanding of the relevant global, societal and economic trends, stakeholders' concerns, the government's policy agenda and how it relates to the CRTC; knowledge of the regulatory environment in which the broadcasting and telecommunications industries operate in Canada and abroad; knowledge of broad issues related to media convergence would be an asset; ability to interpret relevant statutes, regulations; ability to conduct a fair and efficient quasi-judicial hearing; ability to build consensus; ability to develop effective working relationships and promote meaningful dialogue with a variety of stakeholders; and superior communication skills, both written and oral.

Honourable senators, I have asked some very simple questions since this announcement was made on February 4. When did Mr. Pentefountas apply according to the notice that appeared prior to the deadline of June 28? Did he meet with a selection committee? If he did, on what date did he meet with them?

The Leader of the Government did say at some point that it was an independent, transparent, rigorous system and Mr. Pentefountas was found to be qualified. What date was that on? She would not answer. At some point, she said that it is in Hansard. He was found to be the most competent of all the candidates — not only qualified, but now he becomes the most qualified. I respectfully and forcefully submit that this is beyond belief. I cannot believe it.

What is sad is that the Prime Minister and his party were elected because in 2006 he made the commitment in his *Stand Up for Canada* document that he was going to:

Establish a Public Appointments Commission to set merit-based requirements for appointments to government boards, commissions, and agencies, to ensure that competitions for posts are widely publicized and fairly conducted.

That is in the document published in 2006.

What is extraordinary is that he did not create that appointments commission. In 2008, he was re-elected because he repeated that commitment, as Senator Day said in a speech a few days ago. The commitment was made a second time.

I heard my colleague, Senator Oliver, say that it was rejected. Senator Oliver, are you serious? Is it really an excuse to say a parliamentary committee of all the parties found that it was quite disputable, the question of the selection of the chairman?

What did the Prime Minister do? He threw out the baby with the bathwater. "You do not want my chairman? Then, no commission." What kind of argument is that?

Then, in 2008, he reiterated the same commitment, and today we are in a situation that is without precedent.

If one looks to the law of the CRTC, what does it say? It states that one may appoint a vice-chair among the present actual commissioners, advisers or councillors of the CRTC. What did the government decide? That they will appoint him as a councillor and commissioner, and, in the same sentence, they will also appoint him as the vice-chair.

What I want honourable senators to understand is that by putting aside the merit principle, there are very serious consequences. The first one is that competent people are discouraged from competing again when we make such a mockery of the merit principle.

• (1620)

We can do whatever we want in politics. The only thing we cannot do is evade the consequences of our decisions. I submit respectfully that by making a mockery of the merit principle, we are discouraging competent people from putting forward their names to serve in the public interest.

In that regard, not only is the government hurt by doing that, but all political parties are hurt, and the citizenry of this country becomes cynical. That means they will participate less in the democratic process. All those consequences are laid together, one after the other.

I do not have the time to go through all the notes I have prepared. However, the Prime Minister in two consecutive elections, in 2006 and 2008, promised that he would appoint an appointment commission according to the Federal Accountability Act. Twice, that was not done.

I look to all the vice-chairs who were appointed at the CRTC —

**The Hon. the Speaker:** I regret to advise the honourable senator that his 15 minutes have expired.

**Senator De Bané:** I have less than five minutes remaining. May I continue?

**Senator Comeau:** Agreed.

**Senator De Bané:** I look to those fundamental issues that the Prime Minister understood so well to elevate the confidence of the people. He promised an array of measures, whether it was to protect whistle-blowers, accountability or providing expanded jurisdiction to the Auditor General. Then what happened?

We have seen honest public servants, such as Linda Keen, former Chair of the Nuclear Safety Commission, removed from her job, despite public promises to protect public servants from reprisals. They have taken reprisals against a number of public servants and appointed their friends and cronies to positions of critical importance.

I do not think we can overestimate the damage done in appointing someone who might be a good, competent lawyer as vice-chair, with the understanding that he will be the chair in 10 months. I can assure all honourable senators, and they can check for themselves, the way in which the appointments process was done. Someone who was not knowledgeable was appointed as vice-chair who will succeed the present chair. Prime Minister Harper promised that we would alternate between English-speaking and French-speaking Canadians. This vice-chair will succeed the Honourable Konrad von Finckenstein in January 2012.

This is without precedent, honourable senators. As the notice of that position clearly states: "The vice-chair of broadcasting assumes the responsibility of broadcasting." We live in an era of communication and media. Communication is the main characteristic of our era. To appoint someone to that field because he can instantly come in is very sad. As I said, it will make the public cynical, it will hurt all political parties, and finally democracy will suffer.

(On motion of Senator Cordy, debate adjourned.)

## THE LATE JIM TRAVERS

Leave having been given to revert to Senators' Statements:

**Hon. Michael Duffy:** Honourable senators, I rise to fully endorse and associate myself and all members on this side of the house with the heartfelt remarks made earlier today by the Honourable Senator Munson on the sudden and sad passing of one of Canada's truly great journalists, Jim Travers. He was not only a distinguished member of the Parliamentary Press Gallery, where I knew him for years, but also a genuinely good guy.

Jim made a substantial contribution to the political discourse in Canada. We did not always agree, but no one ever doubted his sincerity.

All members on this side, and I dare say all honourable senators in this chamber, extend our condolences to the Travers family on this sudden, surprising and terrible loss.

**Hon. Jim Munson:** Honourable senators, I just wrote a few notes down about Jim. Sometimes there are days in one's life that matter more than most. This is one of those days. I live near the Rideau Canal. When I woke up this morning, the sun was rising and there was a skater on the canal. I thought, "What a beautiful day — a sunrise, a skater on the canal. What a beautiful morning. We all take mornings for granted, but what a beautiful morning."

I thought to myself: "Why do you not say something nice about someone today?" Little did I think it would be about my old friend Jim Travers. Senator Wallin, who has worked with Jim, knows and understands that.



• (1630)

[Translation]

When you work in the Parliamentary Press Gallery, as Senator Duffy says, what happens on the road stays on the road. What happens in Ottawa stays in Ottawa. However, when you work together, it stays with you forever. Road trips and Parliamentary Press Gallery friendships go on for almost 40 years. One never forgets that there is this common bond.

We, as senators of the journalistic variety, are privileged. We get teased from time to time by our friends in the Parliamentary Press Gallery who are still working there, and by some of the new senators, but, man, oh, man, what a privilege to be here and carry on our work, not only in the world of communications but in the world of policy. To be inside the room, whether you are inside the room inside this institution, or inside the room working for the Prime Minister, or inside the room being in opposition, we live and work in a privileged environment.

I know that I speak on behalf of Senator Wallin and Senator Duffy when I say it does not matter that you compete; what does matter is real, deep friendship, both in Ottawa and on the road. I was on the road with Jim for more than 30 years, and I will treasure that friendship.

I think Canada will miss his independent voice writing for the *Toronto Star* or writing for the *Ottawa Citizen*, or when he was in Africa as a reporter. I have a son who was in Africa and works for Journalists for Human Rights. Jim was obviously loving and fond of his son, who also works in the journalistic, and communications world. We were voice pieces for our boys.

I would like to echo what Senator Duffy has said and what Senator Wallin is obviously feeling in her heart, that I will treasure that friendship.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

COMMITTEE AUTHORIZED TO MEET  
DURING SITTING OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government)**, for Senator Tkachuk, pursuant to notice of March 3, 2011, moved:

That the Standing Committee on Internal Economy, Budgets and Administration have power to sit at 2 p.m. on Wednesday, March 9, 2011, even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

(Motion agreed to.)

## ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, March 8, 2011 at 2 p.m.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, March 8, 2011 at 2 p.m.)

## CONTENTS

Thursday, March 3, 2011

|   | PAGE |   | PAGE |
|---|------|---|------|
| <b>SENATORS' STATEMENTS</b>                                     |      | <b>Official Languages</b>   |      |
| <b>The Late Dr. Robert Henry Thorlakson, O.C.</b>               |      | Bilingualism in the Public Service.   |      |
| Hon. Sharon Carstairs . . . . .                                 | 1913 | Hon. Claudette Tardif . . . . .   | 1919 |
| <b>Democratic Representation Act (Bill C-12)</b>                |      | Hon. Marjory LeBreton . . . . .   | 1920 |
| Hon. Lowell Murray . . . . .                                    | 1913 |   |      |
| <b>CBC/Radio-Canada</b>   |      | <hr/>   |      |
| Hon. Nicole Eaton . . . . .                                     | 1914 | <b>ORDERS OF THE DAY</b>  |      |
| <b>Political Engagement of Women</b>                            |      | <b>Electricity and Gas Inspection Act</b>                                   |      |
| Hon. Mobina S. B. Jaffer . . . . .                              | 1914 | <b>Weights and Measures Act (Bill C-14)</b>                                 |      |
|   |      | Bill to Amend—Third Reading.  |      |
|   |      | Hon. Céline Hervieux-Payette . . . . .                                      |      |
|   |      | Hon. James S. Cowan . . . . .   |      |
|   |      | Hon. Fernand Robichaud . . . . .  |      |
|   |      |   |      |
| <hr/>   |      | <b>Bill Protecting Children from Online Sexual Exploitation (Bill C-22)</b> |      |
| <b>ROUTINE PROCEEDINGS</b>                                      |      | Third Reading.  |      |
| <b>International Trade</b>                                      |      | Hon. Jim Munson . . . . .   |      |
| Office of the Extractive Sector Corporate Social Responsibility |      |   |      |
| Counsellor—First Annual Report Tabled.                          |      | <b>Criminal Code (Bill C-30)</b>  |      |
| Hon. Gerald J. Comeau . . . . .                                 | 1915 | Bill to Amend—Second Reading.   |      |
| Export Development Canada—2011-15 Corporate Plan                |      | Hon. George Baker . . . . .   |      |
| Summary Tabled.   |      | Hon. Terry Stratton . . . . .   |      |
| Hon. Gerald J. Comeau . . . . .                                 | 1915 | Referred to Committee . . . . .   |      |
| <b>Criminal Code</b>  |      |   |      |
| <b>National Defence Act (Bill C-48)</b>                         |      | <b>Keeping Canadians Safe Bill (Bill S-13)</b>                              |      |
| Bill to Amend—Sixteenth Report of Legal and Constitutional      |      | Sixth Report of National Security   |      |
| Affairs Presented.  |      | and Defence Committee Adopted.  |      |
| Hon. Joan Fraser . . . . .                                      | 1915 | Hon. Roméo Antonius Dallaire . . . . .                                      |      |
| <b>Aeronautics Act (Bill C-42)</b>                              |      |   |      |
| Bill to Amend—First Reading                                     | 1915 | <b>Income Tax Act (Bill S-221)</b>  |      |
| <b>Internal Economy, Budgets and Administration</b>             |      | Bill to Amend—Second Reading.   |      |
| Notice of Motion to Authorize Committee to Meet During          |      | Hon. Gerald J. Comeau . . . . .   |      |
| Sitting of the Senate.  |      | Referred to Committee . . . . .   |      |
| Hon. David Tkachuk . . . . .                                    | 1915 |   |      |
|   |      | <b>Maple Leaf Tartan Bill (Bill S-226)</b>                                  |      |
|   |      | Second Reading—Debate Adjourned.  |      |
|   |      | Hon. Elizabeth Hubley . . . . .   |      |
|   |      |   |      |
| <hr/>   |      | <b>Controlled Drugs and Substances Act (Bill C-475)</b>                     |      |
| <b>QUESTION PERIOD</b>  |      | Bill to Amend—Second Reading—Debate Continued.                              |      |
| <b>Public Safety</b>  |      | Hon. Sharon Carstairs . . . . .   |      |
| Cost of Additional Prisons.                                     |      |   |      |
| Hon. Tommy Banks . . . . .                                      | 1915 | <b>Internal Economy, Budgets and Administration</b>                         |      |
| Hon. Marjory LeBreton . . . . .                                 | 1916 | Thirteenth Report of Committee Adopted.                                     |      |
| <b>Environment</b>  |      | Hon. David Tkachuk . . . . .  |      |
| Climate Change Policy.  |      |   |      |
| Hon. Tommy Banks . . . . .                                      | 1916 | <b>Study on Rise of China, India and Russia in the Global Economy</b>       |      |
| Hon. Marjory LeBreton . . . . .                                 | 1916 | <b>and the Implications for Canadian Policy</b>                             |      |
| Parks Canada.   |      | First Report of Foreign Affairs and International                           |      |
| Hon. Tommy Banks . . . . .                                      | 1916 | Trade Committee—Debate Continued.   |      |
| Hon. Marjory LeBreton . . . . .                                 | 1916 | Hon. Consiglio Di Nino . . . . .  |      |
| <b>Foreign Affairs</b>  |      |   |      |
| Financial Support for International Criminal Court.             |      | <b>Government Promises</b>  |      |
| Hon. Roméo Antonius Dallaire . . . . .                          | 1917 | Inquiry—Debate Continued.   |      |
| Hon. Marjory LeBreton . . . . .                                 | 1917 | Hon. Pierre De Bané . . . . .   |      |
| <b>Finance</b>  |      | Hon. Gerald J. Comeau . . . . .   |      |
| Affordable Housing Initiative.                                  |      |   |      |
| Hon. Art Eggleton . . . . .                                     | 1918 | <b>The Late Jim Travers</b>   |      |
| Hon. Marjory LeBreton . . . . .                                 | 1918 | Hon. Michael Duffy . . . . .  |      |
| <b>National Revenue</b>   |      | Hon. Jim Munson . . . . .   |      |
| Church of Scientology.  |      |   |      |
| Hon. Céline Hervieux-Payette . . . . .                          | 1919 | <b>Internal Economy, Budgets and Administration</b>                         |      |
| Hon. Marjory LeBreton . . . . .                                 | 1919 | Committee Authorized to Meet During Sitting of the Senate.                  |      |
|   |      | Hon. Gerald J. Comeau . . . . .   |      |
|   |      |   |      |
|   |      | <b>Adjournment</b>  |      |
|   |      | Hon. Gerald J. Comeau . . . . .   |      |





*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5





CANADA

# Debates of the Senate

---

3rd SESSION

•

40th PARLIAMENT

•

VOLUME 147

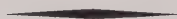
•

NUMBER 92

---

OFFICIAL REPORT  
(HANSARD)

**Tuesday, March 8, 2011**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Tuesday, March 8, 2011

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mrs. Dorothy Davey and family members of our former colleague, the Honourable Senator Keith Davey.

On behalf of all honourable senators, welcome to the Senate of Canada and thank you for being here as we move to tributes.

**Hon. Senators:** Hear, hear.

#### TRIBUTES

##### THE LATE HONOURABLE KEITH D. DAVEY, O.C.

**The Hon. the Speaker:** Honourable senators, I received a notice from the Leader of the Opposition in the Senate, who requests, pursuant to rule 22(10), that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Keith Davey, former senator, whose death occurred on January 17, 2011.

I remind honourable senators that, pursuant to our rules, each senator will be allowed three minutes and may speak only once. The time for tributes shall not exceed 15 minutes.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, it is a privilege to pay tribute to former Senator Keith Davey, who passed away on January 17.

Tom Axworthy spoke eloquently at Senator Davey's funeral about the key role Senator Davey played in our nation's modern political development. Mr. Axworthy said:

The modern Canada we love is a product of the politics and policies of Pearson and Trudeau. They were the prime architects of our Just Society of social equity, and Charter rights.

But if Pearson and Trudeau were the architects, Keith Davey was the general contractor. He recruited the men and women to run for office, ran the campaigns and advised prime ministers on who could get the job done.

Senator Davey described himself as a "wide-eyed pragmatist," even after decades in Canadian politics. He loved the full span of politics from the grassroots — knocking on doors and getting out

the vote, especially in his beloved Toronto — to advising prime ministers and planning grand national campaigns. He never lost perspective on himself or what he was doing.

Keith Davey was a man of rock-solid convictions and, above all, of great loyalty and dedication to the Liberal Party of Canada, to the many prime ministers he served, to the Yankees, the Blue Jays and even the Maple Leafs.

Senator Davey's warmth was enveloping. The many obituaries and eulogies from across the political spectrum attest to the deep and genuine respect and affection that so many Canadians had for him. One headline expressed this particularly well: "Rain he made, sunshine he gave."

Keith Davey had an extraordinary gift for finding talented Canadians and engaging them in the political life of their country. There is a seemingly endless list of some of the very best parliamentarians in our history, all of whom were drawn to public service by Keith Davey.

During his long tenure in the Senate, Keith served on several committees, but unquestionably, the work of which he was most proud was spearheading the landmark study on the mass media entitled: *The Uncertain Mirror*. That study is still cited today as a classic example of the best work produced by this chamber. It shone a light on the potentially overwhelming influence of American media on Canada and the value of ensuring that Canadian media are able, he said: "... to promote our apartness from the American reality."

Keith Davey loved Canada.

Honourable senators, it is remarkable that in the span of a few short months, we have paid tribute to two icons of Canadian politics: Senator Keith Davey, a great Liberal; and Senator Norm Atkins, a great Progressive Conservative. Each man was a legend in his party and committed to his party with every fibre of his being. Each man relished the stuff of politics from the ground up to the highest level. Each man embodied the highest standards of integrity, decency and absolute passion for Canada. They were, of course, professional adversaries; but during their years together here in the Senate, they became deep personal friends. That, to me, is emblematic of the best of this country and the Canadian political tradition, where absolutely determined partisans with diametrically opposed views can nevertheless forge a strong friendship and work together as Senator Davey and Senator Atkins did in this chamber for the betterment of Canada.

Honourable senators, each of these great men believed in the power of politics to do good and they believed in the power of political parties to do good. They saw first-hand the power of political parties to engage citizens in the political life of the country. They fought intensely but with respect for their adversaries and, above all, with the firm conviction that the democratic process was more important than the win. They were truly honourable men.



• (1410)

Senator Davey included at the end of his memoirs a quote from Teddy Roosevelt, and it reads as follows:

The credit belongs to the man who is actually in the arena; whose face is marred by the dust and sweat and blood; . . . who knows the great enthusiasms, the great devotions, who spends himself for a worthy cause; who, at best, knows, in the end, the triumph of high achievement, and who, at worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

Honourable senators, I cannot conclude without speaking of Senator Davey's family and the deep love that he had for his children and for his beloved wife, Dorothy. They all suffered greatly over past few years as Senator Davey's great mind was ravaged by the terrible disease of Alzheimer's. We all send our deepest condolences to them.

**Hon. Lowell Murray:** Honourable senators, I was overseas in January when Senator Davey died. Otherwise, I should certainly have been among those present at his funeral to pay my last respects.

[Translation]

I was deeply saddened by his death, although I was equally saddened by his terrible illness and the challenges it has posed for his family and loved ones for the past 15 years.

[English]

Many will recall his prodigious service and commitment to the Liberal Party and to Canada. Many more — and here I would include our late, mutual friend, Senator Norm Atkins — would want to acknowledge private and personal acts of friendship and thoughtfulness across the partisan divide. The partisan struggle is too often unnecessarily harsh, unfair and unforgiving. Those who would take it on today and in the future would do well to reflect that one of its most successful practitioners in our time, Keith Davey, was also one of the most decent and honourable of human beings.

**Hon. David P. Smith:** Honourable senators, I rise to pay tribute to the late Senator Keith Davey, who was a pillar within the Liberal Party of Canada, and a hero.

I came to Ottawa in 1961, 50 years ago. Needless to say, I was very, very young. However, I became involved with the Liberal Party at university. Within the next two or three years, I was president of the Carleton University Young Liberals, then the Ontario president, then the president of the National Young Liberals of Canada. Since I was here, hanging around Parliament Hill, I came to know Keith well. When I graduated, I was about to go to law school. He said, "No, take a year off. Be my right-hand guy at headquarters and you will be the National Youth Director, going coast to coast every few weeks." I did. Those were exciting days.

[ Senator Cowan ]

It is fair to say that Keith was a mentor, a role model and most important, a lifelong friend. If one can beatify a few Liberals from that period, the three I would suggest would be Lester B. Pearson, Walter Gordon and Keith Davey. Make them Liberal saints; I think that would be appropriate.

Keith helped make it happen for Mr. Pearson. When Jack Granatstein conducted a survey a few years ago of all the Canadian history professors, and had them rank prime ministers, Mr. Pearson came in fourth, after Prime Ministers Macdonald, Laurier and King. Mr. Pearson was fourth, and Keith was there.

Keith and I had similarities. First, we were from Toronto. We were Toronto sports fans.

Keith brought to Mr. Pearson what Mr. Pearson did not have. Mr. Pearson was a great academic, a great bureaucrat and he was 52 years old before he was elected. However, Keith understood media, advertising and polling, and he had savvy political instincts. I often equate political instinct to an ear for music: One has to be born with it; if one is not born with an ear for music, one can go to a thousand concerts and still be out of tune. However, Keith had that savvy political instinct.

I will never forget the night of the 1965 election. I was with Keith and we were at party headquarters. There were 265 seats, so we needed 134 if we had the Speaker; otherwise we needed 133. We were at 131: Oh, the pain. Keith said to me, "Get out the soldier votes from the last two lists." I said, "Keith, 131. We're going down to Mr. Pearson's suite at the Chateau Laurier. We will relax and have some fun."

Right now, I would probably settle for coming within two seats of a majority, and look what Mr. Pearson did. That is what we need more of here. I have many good friends on the other side. I hesitate to identify them because I do not want to get them into trouble, but we need more of that, and Keith was great at making friends.

I will never forget the night of his seventieth birthday in Toronto at the Ontario Club. He announced that he was stepping down when Parliament rose later. We did not all realize it — only two or three people knew — but he knew what he had. It was such a classy thing to do. He wanted people to remember him at his best, and he was terrific.

Dorothy, Doug, Ian and Cathy, I cannot pay enough tribute to Keith Davey.

**Hon. Elaine McCoy:** Honourable senators, I never had the privilege of meeting Keith Davey, although I have had the pleasure of spending time with Dorothy Davey. That time was brought about by Senator Norman Atkins, who remained friends with the Daveys, and said, "This is one lady you need to know." He was right as usual about good people.

Today, in paying tribute to Senator Davey, I thought I would reinforce the impression he made on me because of the legacy he left. Although I never met him, it was like hearing a strong voice throughout the years. As honourable senators know, I have collected significant Senate reports, reports that have made a difference, and I put them on my website where people can access

them more easily than they can in the non-digital world of the library. These reports are now archived and have been made available through academic search engines, so people can access the gems the Senate has produced over the years.

One of these gems, which Senator Cowan referred to, was *The Uncertain Mirror*. It was a Senate report from a committee chaired by Keith Davey.

At that point, the Senate adopted the report he wrote by saying:

... this country should no longer tolerate a situation where the public interest in so vital a field as information is dependent on the greed or goodwill of an extremely privileged group of businessmen.

That was a statement that we all adopted in this great institution. To pay tribute to Senator Davey, we should follow his lead by upholding democracy.

Senator Davey was also concerned about the concentration of ownership in the media. Of dozens of recommendations, perhaps the most prescient was his call to action for everyday Canadians, which honourable senators can find at page 250 of the report:

Remember that freedom of the press is basic to all our freedoms, and that the greatest danger to press freedom is public apathy. So if the media bore you or bother you, don't just sit there. React. . . . Telephone the owner. Write to the editor. Call in on the hot line. Speak to the advertiser. Praise the performer. Some newspapers and magazines are beginning to open their pages to the people. They call it "participatory journalism." So participate.

That was a call to action from Senator Keith Davey, and I pay tribute to the man who had the foresight and the courage to be such an outstanding example of what the Senate can do when it is at its best.

• (1420)

**Hon. Hugh Segal:** Honourable senators, I rise as a member of a political party that experienced great damage at the hands of Senator Davey on many occasions. I rise to pay tribute to Senator Davey as an individual and as a campaigner of immense capacity.

I first met Keith Davey after the election of 1974. I was the Conservative candidate in this very constituency, and had done reasonably well in 1972 against Hugh Poulin — I came very close, about 500 votes; but in 1974, close to 32,000 Canadians left their place of work, their homes, their classrooms, to go into the auditoria where we express our sovereign electoral will to ask me to stay out of public life in a very personal way. They did so in large measure because of the successfulness of the Davey campaign.

Honourable senators, I was supporting Mr. Stanfield and the price and wage freeze policy, which had been developed, as some will remember in this room, in our own national caucus. Prime Minister Trudeau, effectively in that campaign, used a slogan for which I give him no credit at all; I give it all to Mr. Davey: Zap, you are frozen.

Even in this great city, where all the civil servants have salaries that are fixed for least a year at a time and a 90-day freeze would have no impact on them whatever except to freeze prices, the effectiveness of that campaign was able to bring my electoral history to a very rapid end at the mere age of 24. Honourable senators, I was bitter; I was angry; I was disappointed.

I received a call from Senator Davey about two months later. He told me that *Reader's Digest* was having a conference at Erindale College to review what happened in the election campaign, and that people from all political parties were being invited. Senator Davey was on the steering committee and was kind enough to suggest that I be invited as one of the kids who lost because of his effective campaign in that election.

Honourable senators, at that meeting, Keith Davey was very forthcoming about the polling background that allowed the Liberals to elaborate their effective strategy. Senator Davey told us that the polling background indicated that the people of Canada had no opposition whatever to the idea of a wage and price freeze. He told us that Canadians were, however, troubled by the fact that Mr. Diefenbaker, who was alive and well and campaigning and holding a seat in Saskatchewan, was campaigning for a wage freeze and not a price freeze. The Honourable Jack Horner, as some may recall, had a slightly different position on the matter. Not to mention that the Honourable James Gillis, who had been the source of this idea, chose to divert attention in another direction.

Honourable senators, our problem was — and Keith Davey sensed it, remarkably and effectively, *ab initio* — not that the Tories had a policy Canadians did not like; it was that they had five policies on the same issue that contradicted each other. That was the principle of coherence, discipline and being focused on the message; and Keith Davey took me aside to say, "Young man, don't forget that in your career."

Senator Atkins was at the conference and he said, "Keith Davey is an opponent; he is a competent, able, determined opponent, but he is not an enemy and don't ever forget that."

**Hon. Sharon Carstairs:** Honourable senators, I first met Keith Davey through my husband John and a mutual friend of Keith's, Jim Coutts. Jim Coutts was the best man at our marriage and Keith sent us best wishes on that occasion some 45 years ago.

Honourable senators, had John and I not been in Geneva because I was attending the Committee on the Human Rights of Parliamentarians, we would have been at Keith's funeral. It seemed prophetic, though, that I would be protecting parliamentarians around the world, and therefore we sat in our Geneva hotel and raised a glass to our dear friend Keith.

White hair, sparkling eyes, military bearing, snazzy dresser — all of those things were Keith Davey. For me, as a woman in politics, it was perhaps most prophetic that in 1976, he asked me to be the chair of the federal campaign in Alberta. I should have known that would not have been an unusual thing for Keith to ask because, after all, Dorothy was so much a part of his life, but women were not asked to be federal campaign chairs in 1976. Unfortunately, I was not able to do it because I was moving to Manitoba, and therein lies a story.



I only spent two years with Keith Davey in this chamber. He chose to retire because he knew that he had Alzheimer's, a dreadful disease that will affect so many of us. I only hope that all of us bear it with the dignity of Keith and Dorothy Davey.

**Hon. Art Eggleton:** Honourable senators, I am happy to join my colleagues in paying tribute to Keith Davey, his life and times in the Senate Chamber, in service to his party, the Liberal Party of Canada, and in service to the people of this country. Yes, Senator Davey felt very strongly about all of those things; he felt very passionate about Canada.

I knew Senator Davey for most of the 35 years I have been in public office. In fact, he first recruited me to run as a candidate in a by-election in 1978. Running for the governing party was not great at that time, but, with his help, I had the opportunity to come back in the 1980s and become the Mayor of Toronto. I became Mayor of Toronto with Keith Davey's help, support and advice. Ironically, Norm Atkins was also a great supporter. Even Senator Hugh Segal will admit that he voted for me — the only Liberal he ever voted for — when I ran for Mayor of Toronto.

Keith gave great advice and great support. He was a good listener, a very kind and honourable individual. I remember meeting with him on many occasions in those years in my capacity as Mayor of Toronto. I remember many breakfasts at the Park Plaza where we would discuss the important issues of the day.

Keith Davey was known as “the rainmaker.” He chose that title for his book and that is the name that we most often attribute to him. However, honourable senators, I think the Right Honourable Pierre Elliott Trudeau penned the best description of Keith Davey on a photograph. The Prime Minister whom Keith served well over many years, wrote, “You made the sun shine.”

Honourable senators, indeed, Keith Davey made the sun shine for a great many of us. I am very grateful to him and to his family for having shared his life with us.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Jamie Baillie, the Member of the Legislative Assembly of Cumberland South and the Leader of the Progressive Conservative Party of Nova Scotia. Mr. Baillie is a guest of the Honourable Senator Dickson and will be meeting with honourable members of the Senate as well as the House of Commons during his visit to Ottawa.

On behalf of all senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear!

#### CANADA'S ENERGY FUTURE

**Hon. Fred J. Dickson:** Honourable senators, last week, the Standing Senate Committee on Energy, the Environment and Natural Resources held hearings in all Atlantic provinces to

receive input on the committee's study on Canada's energy future. Provincial governments, municipalities, major electricity companies, NGOs and innovators in renewable energy and other interested parties made insightful presentations during the hearings.

In my home province of Nova Scotia, we had a lengthy session, and among government presenters were the Honourable Darrell Dexter, Premier of Nova Scotia, and the Mayor of Port Hawkesbury, Billy Joe MacLean, President of the Union of Nova Scotia Municipalities.

I wish to thank the Chair, Senator David Angus, and Deputy Chair, Senator Grant Mitchell, as well as the other members of the committee in attendance for their perseverance, interest and attention throughout the proceedings. Many witnesses have acknowledged their dedication to the hearings.

Honourable senators, committee members heard testimony concerning a number of themes that include support for the Lower Churchill hydroelectric project at Muskrat Falls, transmission infrastructure, innovative technologies for renewable energy, and efficiency and conservation. Honourable senators learned that the goals associated with these items mean new jobs in Atlantic Canada and the reduction of the carbon footprint.

• (1430)

On the theme of efficiency and conservation, we learned about an LED-based lighting system developed and manufactured by LED Roadway Lighting Ltd., located in Amherst, Nova Scotia. Their website is [www.ledroadwaylighting.com](http://www.ledroadwaylighting.com).

Mr. Charles Cartmill, the CEO of the company, informed the committee thoroughly about the benefits of LED-based lighting systems, which include a significant reduction in energy usage, a reduction in greenhouse gas emissions and the creation of research and manufacturing jobs in Atlantic Canada as domestic and international policy shifts toward a greener future and an expanding market.

My colleagues learned of the enormous tidal potential of the Bay of Fundy because of the detailed presentation from John Woods and Doug Keefe of the Fundy Ocean Research Centre for Energy, or FORCE. FORCE is Canada's leading test centre for tidal technology and is funded in part by the federal government. Once again, for more information honourable senators may refer to [www.fundyforce.ca](http://www.fundyforce.ca).

The Bay of Fundy has been identified as North America's potentially best site to harness tidal energy, both because of its size and its proximity to the existing grid. According to a 2006 California-based study, about 160 billion tonnes of water flow into the Bay of Fundy on each tide. Research suggests that there may be 8,000 megawatts of potential energy in the bay, 2,000 of which can be extracted with existing technology. These are attractive numbers to a province with a peak demand of approximately 2,300 megawatts. The goal, of course, is to move tidal power into Canada's energy mix and industrial policy. I wholeheartedly support this goal and encourage all honourable senators to do the same.

Honourable senators, Canada's marine and tidal potential is a tremendous opportunity that we must seize and become the leader in before other countries, such as the United Kingdom and the United States. Not only will this have substantial economic benefits for Atlantic Canada, but it will be a major step in the right direction as we head toward a clean, renewable energy future.

Again, I thank all witnesses for taking the time to present and for their dedication to the environment and the prosperity of Atlantic Canada.

### COLORECTAL CANCER AWARENESS MONTH AND NUTRITION MONTH

**Hon. Doug Finley:** Honourable senators, I rise to speak on a subject that is undeniably close — too close. March is Colorectal Cancer Awareness Month and Nutrition Month. I am one of the estimated 22,500 Canadians who were diagnosed with colorectal cancer last year.

I have only a few minutes to address this issue, but I would like to take one of those minutes to thank the hundreds, indeed thousands of people who wished me well. I cannot possibly respond to each and every one.

I would, however, like to acknowledge a special group of people who were very kind, and that is the senators from across the aisle. Senator Ringuette was the very first, and her words are with me to this day. This was followed by a steady stream of good wishes from Senator Cowan and so many others. I cannot begin to tell you what this meant to me.

Colorectal cancer is a devastating disease. I have survived so far because of two things: the first being my personal support structure, beginning with my wife and continuing with my amazing colleagues in the Senate, in the other place, and with my friends across the country; and the second being the wonderful staff of physicians, nurses and others at the Ottawa Hospital who have professionally, tenderly and meticulously guided this dumb country boy through a complex process, and a particular thanks to Dr. Don Wilson, whose actions led to a fast and accurate diagnosis.

Most cancer victims would prefer to keep quiet on this subject, and I can understand that. I have gone public with my disease because I hope to take some simple messages to Canadians.

The first message is that early detection is critically important. I was almost too late. I thank my wife for frogmarching me to my physician. Go see your physician now, and regularly.

Second, my disease, at the stage it was, may have been terminal 10 years ago, but research and development have vastly improved survival chances. Cancer, as a disease, can be beaten. It will take time and huge resources to do this. Unfortunately, in the meantime, an estimated 9,100 people will die of colorectal cancer this year in Canada. I would ask all honourable senators to consider whatever you might be able to do in this regard.

Third, an important factor in preventing this disease is being proactive. For those of you who know me, you would know that my lifestyle made me a prime candidate for this disease. I smoked, enjoyed the occasional scotch, and let us just say I was not exactly a marathon runner. Nonetheless, I was still quite the soccer player — just ask a few staffers from my war room in the last election. In recent years, I have been a campaign director, meaning a high-stress lifestyle, very little sleep and, as former backroom people such as Senator Smith and Senator Mercer will attest, not necessarily the healthiest diet in the world.

Fourth, knowledge and communication are important. As I grew up, no one talked about this disease. It became known as "the big C." People would attribute the death of a relative to almost anything but cancer. My friends, you can help by acquainting yourselves with the facts and by talking freely and frankly with your loved ones, colleagues, neighbours and constituents. You might just help to save a life.

**Hon. Senators:** Hear, hear!

### CANADA'S ENERGY FUTURE

**Hon. Daniel Lang:** Honourable senators, I rise today to give a further report on the visit last week to the four Atlantic provinces by the Standing Senate Committee on Energy, the Environment and Natural Resources.

As a member of the committee and having just returned, like Senator Dickson, I would like to inform the Senate on the success of our hearings. Many witnesses told us that they were pleased that the committee took the time to visit and listen. I believe I can speak for all members of the committee when I say that we learned a great deal.

We heard directly from three premiers, the heads of each province's major utilities and a multitude of other witnesses.

I, for one, was comforted, coming as I do from the northwest of Canada, to hear of the energy wealth found throughout the Atlantic provinces. The committee heard about operating wind fields, offshore oil and gas, the Bay of Fundy project to capture energy from the tides, the future of nuclear energy, the interconnection of hydro originating in Labrador to New Brunswick, and also the prospects for shale gas.

There was plenty of evidence about an energy warehouse in the Atlantic provinces and about an energy highway linking them together. It was gratifying to see that there is a great willingness among the provinces to engage in social, economic and financial cooperation on energy matters and to join the provinces together in a common energy market.

In short, there is a lot of optimism in Atlantic Canada. This optimism is rooted in the opportunities created by its energy resources and in a commitment to cooperate for the betterment of the region and the country.



As honourable senators will know, our committee is approaching the end of our two-year study on Canada's future energy needs. As we have yet to travel to some other parts of the country, we will probably have to look for an extension of our mandate.

I cannot impress upon honourable senators enough how well we have been received in all the public forums we have attended and how people feel good about our coming out, spending time with them and listening to what they have to say. On the other side of the coin, this has been an education for each and every member of the committee.

Finally, like my colleague Senator Dickson, I want to give kudos to our chair, Senator Angus. I know that he spent many hours behind the scenes to make our visit a success. I want to say that I appreciate this, and I am sure I speak for all members of the committee.

• (1440)

[Translation]

## ROUTINE PROCEEDINGS

### AGRICULTURE AND FORESTRY

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF CURRENT STATE AND FUTURE OF FOREST SECTOR

**Hon. Percy Mockler:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Orders of the Senate adopted on Thursday, March 11, 2010, and on Wednesday, November 24, 2010, the Standing Senate Committee on Agriculture and Forestry, which was authorized to undertake a study on the current state and future of Canada's forest sector, be empowered to extend the date of presenting its final report from March 31, 2011 to December 31, 2011.

### THE SENATE

#### NOTICE OF MOTION TO URGE GOVERNMENT TO ASK THE UNITED NATIONS TO END THE IVORY COAST CONFLICT

**Hon. Roméo Antonius Dallaire:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada call upon the Government of Canada to increase its support for the United Nations in resolving the ongoing political conflict in the Ivory Coast and that the Government also recognize and implement the doctrine of Responsibility to Protect in order to mitigate the potential for a catastrophic humanitarian disaster in that country.

[English]

## QUESTION PERIOD

### HUMAN RESOURCES AND SKILLS DEVELOPMENT

#### CANADA PENSION PLAN—GUARANTEED INCOME SUPPLEMENT—CAREGIVER PROVISIONS

**Hon. Sharon Carstairs:** Honourable senators, International Women's Day is 100 years old. We celebrate the achievements of women as they have reached equality, while at the same time recognizing that for many women equality is but a distant dream. Even in our country, many women are less equal because they have been caregivers. First, they have cared for their children, then aging parents and spouses, and often disabled children who have become disabled adults.

As a result of their dedication, these women suffer income loss, income that has been diminished because of the time they took off to be caregivers, and pension income that is diminished because they have taken that time to be caregivers.

Can the Leader of the Government in the Senate explain why the Canada Pension Plan has not been amended to allow a dropout provision for those caregivers looking after the elderly, similar to the dropout option for caregivers of children?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, happy International Women's Day to all women, and to men who support women in all endeavours of equality and making the world a better place for women and children.

With regard to the honourable senator's question, the situation of caregivers is one that is upon us and growing because of aging populations. More and more people are leaving positions to provide care for younger people or, in many cases, older parents. Of course, the government is sympathetic and supportive of people who care for family members, such as elderly parents or an ill child.

As the honourable senator would know, we improved the Employment Insurance system to support this group. In June 2006, we expanded the number of different family members and others who can access compassionate care benefits. As well, for the first time, 2.6 million self-employed people have access to EI compassionate care benefits.

I hasten to point out that, until we took these measures, governments past had a record of failure in this regard and, of course, promised five times over that this situation would be addressed when it never was.

Obviously, honourable senators, as is the case with everything the government does, there will be criticism that it is not enough. The government, the Minister of Finance and the Minister of State for Finance have been working with our provincial and territorial counterparts to improve the Canada Pension system. I believe they are making great strides to try to address this area.

Obviously, the area is a growing concern because more and more people are participating in caregiving for their families, but at least the government has made a good and genuine start.

**Senator Carstairs:** That recommendation was one of the unanimous recommendations of the study on aging that was tabled in the Senate, and was unanimously adopted in spring 2009. That was two years ago.

Can the Leader of the Government in the Senate tell the chamber this afternoon if her government is examining the provision of a tax credit for caregivers for those looking after the elderly; and, if not, why not?

**Senator LeBreton:** Honourable senators, I will take that question as notice. Obviously, many solutions and suggestions have been provided to the Minister of Finance and the Minister of State for Finance.

Again, we have made an honest effort to assist caregivers through the EI program. As I pointed out, we have also added self-employed Canadians to this group of benefactors. I will take the second question as notice.

**Senator Carstairs:** As my final supplementary question, can the Leader of the Government in the Senate explain to women throughout this country why the government has failed to raise the Guaranteed Income Supplement to a level that will raise seniors living in poverty — many of whom are women — above the poverty line?

**Senator LeBreton:** Honourable senators, again, with regard to benefits for seniors, we have made great strides in helping this particular group of people by removing seniors from the tax rolls and increasing the Guaranteed Income Supplement — including the ability to apply for it only once and not year after year, which was the case before.

I will take this question as notice. I think the honourable senator will have seen — and it is probably why she asked the question — that the Minister of Finance, the Honourable James Flaherty, has acknowledged that he is hearing a lot about, and is sympathetic to, this particular group.

[Translation]

## STATUS OF WOMEN

### DIVERSITY AND EQUALITY

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government in the Senate.

Nearly 30 years ago, I was speaking in the other place during a debate on a gender equality clause. Now, 30 years later, we would have thought that our policies would allow us to make progress.

On March 3, 2011, after studying the *Financial Post* 500 companies, Catalyst revealed that that the percentage of women in senior corporate roles grew by less than one percentage point in two years, rising from 16.9 per cent in 2008 to 17.7 per cent in 2010.

• (1450)

That is a far cry from a rate of 50 per cent. Furthermore, more than 30 per cent of Canadian companies did not have any female executives, in 2008 or in 2010.

Statistics Canada reports that for the past 20 years, there has been a larger proportion of women than men with university degrees.

In 2007, of the 242,000 students who obtained university diplomas, 61 per cent were women. This gap between men and women continues to widen, which is causing some concern. In light of this, I assume that policies will be developed to correct this situation once we have reached the point where men are less educated than women.

I would like to know what programs and measures the government has planned to promote the idea of female executives, knowing that in Canadian corporations, diversity is one key to economic efficiency.

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I would be very happy to recite all the things the government has done to promote women and they have been significant. However, as the Leader of the Government in the Senate, I am not responsible for the policies of Canada's major corporations.

Evolution is taking place, although perhaps not as quickly as the honourable senator would like. I attended a function today, as did some of our colleagues, hosted by Maureen McTeer. It is clear that women have made massive strides in the last two or three decades. In terms of enrolment in university, medical schools and law schools, there are now more young women than men. Evolution will take place. However, it is not a role for the government to direct the private sector on how to conduct their business in their own individual companies and corporations.

[Translation]

**Senator Hervieux-Payette:** I disagree with the government leader on the idea that we cannot provide direction. We know very well that in the private sector, one of the ways to promote dynamic policies is to offer tax benefits.

In the next budget, perhaps the government could say that corporations that do not have a program to promote female executives would not be eligible for the gifts you are going to give them.

I would like to come back to the Statistics Canada data regarding the difference in pay between men and women in the past 20 years. In 2008, women earned 83.3 cents for every dollar earned by men. It is more of the same.

How does the government plan on getting justice for half of the Canadian population and ensuring that pay for women is appropriate to their talents and abilities, knowing that they are now more educated than their male colleagues?



What measures will the government implement to encourage employers to offer identical and equal pay for similar tasks?

[English]

**Senator LeBreton:** That is the difference between the Liberal philosophy and the Conservative philosophy. Our government does not believe in interfering with industries and businesses in terms of how they should be run.

Our government has taken many measures to create jobs and provide a climate where companies will grow, hire people and contribute to the overall benefit of the country. In most businesses where there are women and men doing exactly the same job, if they are equally qualified, then, by and large, they are paid equitably. However, I will not wade into the various practice of the private sector.

I point to the support and growth of women in senior level public service positions. The departments in this government and in the public service employ many women as deputy ministers and assistant deputy ministers. In that regard, women have happily reached a level of equity in terms of their roles and their salaries in the public sector.

With regard to the private sector, the government's policies are designed to create an environment in the private sector that causes companies to grow, create jobs and hire more men and women. Obviously, that helps the country and the economy in the long run.

**Senator Hervieux-Payette:** I agree that there is a difference between Liberal and Conservative policy. Let us use support for maternity leave as an example. We have improved the situation; however, only in Quebec do women have universal access so that they can work, benefit and, at the same time, be supported. Therefore, it is a different philosophy.

Research and development are supported by tax credits. Companies that have their own daycare could not only deduct the expenditures, but also have a multiple of the deduction. There are many ways to push the agenda. When it comes to private sector, money talks. Therefore, I leave the honourable Leader of the Government to her imagination and that of her Minister of Finance to determine the ways to promote the fact so that women, family and the country are served with the proper policy.

**Senator LeBreton:** I will pass on the comments of the honourable senator. Women are not all victims, as she seem to want to portray them. Many are happy with the great strides women have made. In the 1960s and 1970s, we strove for recognition for women that we can now look at with great pleasure and pride.

There are still inequities; however, most women, whom I know, are satisfied with their lives, whether they are secretaries, nurses or retail workers. We are not all victims.

[ Senator Hervieux-Payette ]

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### MISSING AND MURDERED ABORIGINAL WOMEN

**Hon. Lillian Eva Dyck:** Honourable senators, my question is for the Leader of the Government in the Senate. For the past year, this government has been telling us that they are serious about the disturbing issue of missing and murdered Aboriginal women and girls. They announced in Budget 2010 that \$10 million would be put towards reporting services, community healing centres and education about missing and murdered Aboriginal women.

For the past year, myself and other honourable senators have continued to ask this government where this \$10 million initiative was going. Finally, we were told that money was not going towards the Sisters in Spirit initiative that has already laid the groundwork on the issue but, instead, to the RCMP to set up their own database for missing persons that may not collect information that identifies victims by their Aboriginal identity. Reports now indicate that this database will not be running until early 2013.

Why has the government decided not to use the database belonging to the Native Women's Association of Canada to mark progress on whether or not the government is eliminating violence toward Aboriginal women and, instead, to start a new database with the RCMP that will not be operational until 2013?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, this is a serious issue, as has been mentioned before on both sides.

• (1500)

The Minister of State for the Status of Women and the Minister of Public Works and Government Services, the Honourable Rona Ambrose, spoke today at lunch and at a recent performance of the Atlantic Ballet of Canada on the subject of violence against women. She outlined many of the things the government has done.

We take the issue of violence against Aboriginal women seriously. It is a serious problem. We are addressing family violence by supporting prevention and providing shelters on reserves.

Over the last year, my colleague Rona Ambrose, as Minister of State for the Status of Women, has committed over \$1.8 million for projects working to eliminate violence against Aboriginal women. The government is taking several concrete actions to address the disturbing issue of missing and murdered women. The \$10 million investment announced in October will create a new RCMP centre, which the honourable senator mentioned, for missing persons. It will also be used to improve law enforcement databases to investigate missing and murdered women; boost culturally appropriate victims' services; support the creation of Aboriginal community and educational safety plans to enhance the safety of women; and create a national website for public tips to help locate these missing women.

Obviously, honourable senators, the RCMP, as our national police force, are well equipped and have committed themselves to being part of this program. I think one of the problems was that often it was felt these cases did not receive the attention they deserved. With the Status of Women Canada now working with the RCMP and this new database, hopefully this issue can begin to be addressed because it is impossible to ignore the gravity of this dreadful situation. However, I believe the government is moving in the right direction.

**Senator Dyck:** Honourable senators, Aboriginal women are the heart of First Nations families and communities, yet sadly we know that, although they make up only 3 per cent of the population, they make up about 29 per cent of the federal prison population and about 90 per cent of the provincial prison population, especially in the Prairies.

The government has a tough-on-crime agenda, but what are they doing to alleviate the effects of such a tough, heartless agenda on the most vulnerable of Canadian citizens, Aboriginal women?

**Senator LeBreton:** I would hardly characterize the concern and the efforts that the government is making in this regard as a “tough, heartless agenda.” Our tough agenda is directed at perpetrators of crimes, not the victims of crimes.

With regard to the measures the government has taken, the Native Women’s Association of Canada received substantial funding, \$1.8 million from our government, for their new Evidence to Action II project. Jeannette Corbiere Lavell, President of the Native Women’s Association of Canada, said, “It is our belief that this announcement proves the strong commitment of the federal government to end violence against Aboriginal women and girls.”

I would hardly think that the honourable senator’s comments square with the comments of the head of the Native Women’s Association of Canada.

[Translation]

## FINANCE

### GENDER-BASED ANALYSIS

**Hon. Rose-Marie Losier-Cool:** Honourable senators, my question is for the Leader of the Government in the Senate. As we now know, the next federal budget will be tabled on March 22. This budget will affect all the people of Canada, half of whom are women and girls.

The best way to ensure that the budget fully takes into account the needs of the female half of the population is to conduct a gender-based analysis of the impact of the budget and each of its key components. We know that this type of analysis is done in many countries at different levels of government.

Relevant policies and procedures must then be changed or implemented based on the results of this analysis so as to create a positively impact for women and girls.

Can the leader tell us whether the federal government — the Harper government — has conducted or intends to conduct, before March 22, a gender-based analysis of the budget and its key components?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, one thing that I am proud to stand here as Leader of the Government in the Senate to say is that this government does use gender-based analysis, something no government has done before. We were the first government to do so. The honourable senator was in government for 13 years. I do not remember when I was sitting in opposition ever hearing anyone on the government side claim they had done such a thing because they did not. We are committed to ensuring gender-based analysis is used in all departments and agencies.

Thinking back to some of the questions from Senator Fraser, there is some concern as to how the program is administered. Status of Women Canada works with all the departments and agencies in developing the use of gender-based analysis, but it is working. As the Auditor General stated in her report a year and a half ago, the responsibility for performing gender-based analysis rests rightly where it is being conducted, and that is in the departments and agencies.

However, the short answer to the question of Senator Losier-Cool is that we are doing something that was never done before.

[Translation]

**Senator Losier-Cool:** Will the government share the results of this analysis? And, if such an analysis has already been conducted, can parliamentarians, particularly those who will be reviewing the upcoming budget, be given the results?

[English]

**Senator LeBreton:** I will take that question as notice, but obviously the Auditor General who has looked at this area believes this process is being done. I will nonetheless take the question as notice.

[Translation]

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### CHILD CARE SERVICES

**Hon. Lucie Pépin:** Honourable senators, my question is for the Leader of the Government in the Senate. Madam Leader, it has become difficult for Canadian women to enter into and remain in the labour market because of the lack of reasonably priced child care.

YWCA Canada published a report confirming that the government’s approach to child care does not meet women’s current needs.

The authors of the report say that the federal government is acting as though women are still at home instead of providing support for working mothers.



Despite the universal Child Care Benefit, many women stay at home or are under-employed because of the cost or lack of availability of child care.

Could the leader tell us whether the Government of Canada recognizes this situation that affects thousands of Canadian women?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, of course we recognize the importance of this area, and that is why the provinces and territories received \$250 million a year to support the creation of child care spaces. The provinces have announced 85,000 new spaces since March 2007. The provinces now have predictable and growing funding through the Canada Social Transfer, \$1.1 billion all together for early learning and child care in 2009-10, and that figure is growing at 3 per cent a year.

Contrary to the statement of Senator Pépin, our government has made the largest investment in this area in the history of the country.

• (1510)

[Translation]

**Senator Pépin:** In fact, Madam Leader, families receive approximately \$100 a month all told, but they sometimes have to pay as much as \$1,200 a month for child care.

Canadians want a high-quality, accessible, affordable daycare network. How can the current government justify not showing the leadership needed to provide our country with a coherent, effective daycare strategy?

[English]

**Senator LeBreton:** I dare say, honourable senators, that the \$250 million that led to the announcement of 85,000 new spaces shows leadership in this area. However, the government believes in providing choice in child care. The Universal Child Care Benefit of \$100 per month per child for children under six provides about \$2.5 billion in direct support to more than two million children. As well, Budget 2010 helped single parent families keep more of this benefit after tax.

We believe in having a choice. We have the Universal Child Care Benefit. In addition, we have transferred \$250 million a year to the provinces, and 85,000 new spaces have been announced as a result. This money has been increased by 3 per cent a year.

As I said, this funding is the largest investment in the history of the country. I dare say, honourable senators, that those who choose to stay at home with their children and work have made their choices, but there are facilities available through the

transfers to the provinces and territories that allow mothers and fathers to take advantage of child care spaces provided in that way.

[Translation]

## STATUS OF WOMEN

### VIOLENCE AGAINST WOMEN AND GIRLS

**Hon. Pierre De Bané:** Honourable senators, last week I read the statistics concerning women who are physically or sexually abused by a husband, current partner or former partner. According to Statistics Canada, over the past three years, more than 600,000 women in Canada have been the victim of family violence, attacked physically by a current or former partner.

My colleague, the honourable Senator Callbeck, asked the Honourable Leader of the Government in the Senate why the government had not developed a comprehensive strategy to fight family violence against women. In response, the leader told us what Status of Women has spent over the past three years, but she was not able to inform us if a detailed plan to fight violence against women would be implemented in the near future.

My question for the leader of the Harper government is as follows: What does the Harper government intend to provide in the next budget to deal with this unacceptable violence that affects more than 100,000 women a year?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, since 2007, Status of Women Canada has invested more than \$30 million in direct projects to end violence against women and girls. I have already mentioned the \$10 million investment with regard to murdered Aboriginal women. This \$30 million has been invested in areas such as community-based safety services, and we have increased funding for women's programs under Status of Women Canada to its highest level, doubling this program from the amount received under the previous government.

The money is invested at the community level. Minister Ambrose spoke today about a new centre that has opened for victims of violence. I will be happy to provide a long list of community-based projects.

As I said to Senator Callbeck last week, the government takes this issue seriously, just as we did when I was Minister of State for Seniors and we launched the elder abuse awareness plan. I am happy to see Minister Fantino pick up that issue and carry it forward with vigour. All these issues of family violence and violence against women, children and elders are serious matters.

The government is engaged in working with communities in the provinces and territories to combat this violence. As I said to Senator Callbeck, this is not an issue where the honourable senator can say the government does not have a plan. I will be happy to provide a long list of the various community organizations that have received funding on the subject of violence against women and girls.

[ Senator Pépin ]

[Translation]

### DELAYED ANSWER TO ORAL QUESTION

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table a delayed answer to an oral question raised by Senator Segal on March 1, 2011, concerning Foreign Affairs, the Ivory Coast, the actions of the Belarus government.

### FOREIGN AFFAIRS

#### IVORY COAST—ACTIONS OF BELARUS GOVERNMENT

*(Response to question raised by Hon. Hugh Segal on March 1, 2011)*

The UN's allegation against Belarus was based on an erroneous report. The UN has made an apology for this mistake. We have no comment on this.

## ORDERS OF THE DAY

### CRIMINAL CODE

#### BILL TO AMEND—SEVENTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Joan Fraser,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs presented the following report:

Tuesday, March 8, 2011

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

#### SEVENTEENTH REPORT

Your committee, to which was referred Bill C-21, An Act to amend the Criminal Code (sentencing for fraud), has, in obedience to the order of reference of Wednesday, March 2, 2011, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER,  
Chair

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

• (1520)

[English]

### CRIMINAL CODE NATIONAL DEFENCE ACT

#### THIRD READING

**Hon. Daniel Lang** moved third reading of Bill C-48, An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act.

He said: Honourable senators, I am very pleased to speak again today in support of Bill C-48, the Protecting Canadians by Ending Sentence Discounts for Multiple Murders Act. It is important to note that this bill is at the third stage of its life in this house and that it has arrived here unanimously.

As I said in my earlier remarks on second reading on this topic, I believe Parliament is finally speaking on behalf of 34 million Canadians who have been outraged that multiple murderers like Clifford Olson have the right to request a parole hearing.

As I stated at second reading, this bill has been before Parliament in one form or another for over 10 years. Unfortunately, this long delay between intention and action brings into question Parliament's ability to deal with issues and also its ability to come to conclusions. No wonder so many Canadians have lost confidence in the day-to-day workings of Parliament.

In committee, a witness from the Criminal Lawyers' Association spoke of a crisis of confidence in our legal system. I, for one, agree. I can think of no greater crisis of confidence than our collective failure to act on an issue such as this.

Canadians know it was wrong for our justice system to allow, to give, or to grant the right to mass murderers like Clifford Olsen to force families of his victims to relive the crimes he committed during his requests for parole.

Fortunately, we have very few mass murderers in our society, but, if the public is to respect our justice system, it is important for a bill such as this one to become law so that we can deal with those mass murderers accordingly.

I would maintain that a bill such as Bill C-48 will repair the crisis of confidence among the public referred to by the witness. By the passage of this legislation, the public will take note that Parliament has taken another step to strengthen our justice system.

Honourable senators, I look forward to your support.



**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

(Bill heard third time and passed, on division.)

### KEEPING CANADIANS SAFE BILL

#### THIRD READING—DEBATE ADJOURNED

**Hon. Gerald J. Comeau** moved third reading of Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, as amended.

**Hon. Fabian Manning:** Honourable senators, I appreciate the chance to speak about yet another way our government is working to protect the safety and security of Canadians by cracking down on crime. I am sure honourable senators opposite know what I am talking about.

As the Minister of Public Safety has mentioned, our government has been committed to getting tough on crime since we were first elected more than five years ago and has backed up that commitment with concrete action.

We have listened to the needs of victims, police officers and ordinary Canadians who have all told us that the time has come to take strong measures to deal with gangs and violent crime. We have taken steps to give law enforcement officials the resources and the legislation they need to address crime and help ensure that law-abiding citizens are not afraid to walk down the streets.

We have strengthened and modernized the Criminal Code, and we have introduced measures to make sure people convicted of serious crimes are dealt with appropriately. The legislation before us today strengthens this impressive track record and will go a long way to help us keep our streets and communities safe for everyone.

Honourable senators, today we know that guns, drugs and other contraband goods often find their way onto our streets and into our school grounds due to the smuggling operations of gangs and organized crime groups.

In some cases they use land ports of entry. In others, our shared waterways with the U.S. often provide a ready-made conduit for criminals to smuggle these illegal products into Canada, threatening our homes, our families and our neighbours. Honourable senators have all heard the stories of high-powered boats skipping across the St. Lawrence or Great Lakes waterways, for example, with law enforcement agencies in hot pursuit.

The good news is that in some cases these criminals are stopped in their tracks; the bad news is that in many cases they manage to get away. That is because at the moment criminals who smuggle

illegal goods across our border with the U.S. can sometimes avoid capture by slipping across to the other side of the international boundary. Law enforcement officials from the U.S. and Canada have to call off the chase at the border due to jurisdictional limitations. This means that illegal and dangerous goods can and do eventually make their way into the hands of gangs, thugs and hooligans.

This bill would help put an end to that. It will give law enforcement officials on both sides of the border the tools needed to do their jobs effectively, which is something our government has continued to do here in Canada since first elected in 2006.

First and foremost, the legislation before us today will ratify an agreement that our government signed with the U.S. in 2009. Through this agreement, specially trained and designated Canadian and U.S. officers would work together on jointly crewed marine vessels in order to enforce the law on both sides of the international boundary line. It spells out how these joint operations will be carried out, while also proposing amendments to the Customs Act, the Criminal Code, the Immigration and Refugee Protection Act, as well as the Export and Import Permits Act and the Royal Canadian Mounted Police Act.

This bill stipulates that all operations will be conducted in a manner respecting the rights and freedoms protected by the Canadian Charter of Rights and Freedoms. Operations will also be done in a way that respects the domestic sovereignty of both nations and in accordance with the rule of law.

Operations will also be based on joint threat assessments and coordinated with existing cooperative cross-border policing programs and activities such as integrated border enforcement teams.

All these operations will be conducted under the control of law enforcement officers of the host country, assisted by the law enforcement officers of the visiting country. In Canadian waters, for example, operations are subject to Canadian laws and procedures and conducted under direction and control of a Canadian law enforcement officer. The reverse will apply when vessels are operating in U.S. waters.

While in Canada, the U.S. officers, who will be trained in Canadian law and policing procedures, will be acting as Canadian peace officers assisting the RCMP in enforcing Canadian law. Again, all enforcement activities in Canadian jurisdiction will be directed by Canadian law enforcement officers and vice versa.

As the Minister of Public Safety has noted, only specially designated and trained members of the RCMP, U.S. Coast Guard or other appropriate law enforcement agencies will be able to take part in these integrated law enforcement operations.

Rest assured that all integrated law enforcement operations in Canadian jurisdiction will also be subject to a public complaints process in order to ensure appropriate oversight and accountability.

Honourable senators, the bottom line is this: By being able to enforce the law on both sides of the border, Canadian and U.S. law enforcement officers will no longer be faced with jurisdictional challenges associated with cross-border policing that are often exploited by criminal organizations.

• (1530)

Shiprider officers will now be able to continue in the pursuit of criminals trying to evade arrest and prosecution by ducking across the border.

In addition, these operations will allow Canadian and U.S. law enforcement agencies to maximize existing border law enforcement resources.

Instead of mirroring operations on either side of the border, this integrated approach allows resources to be deployed more strategically along the border and to leverage enforcement capacity, range and capability.

Honourable senators, as the Minister of Public Safety mentioned, we have already seen positive outcomes from several Shiprider pilot projects, in 2005, 2007, and again in 2010.

Last year, as Canada hosted the world at the 2010 Olympic Winter Games in Vancouver and again at the G20 summit in Toronto, Canadian and U.S. officials worked together to deploy Shiprider officials to help secure our border waters. We were fortunate that there were no international security incidents during these two major events. However, we had the proper resources in place to respond, if needed, to criminal and terrorist activities. Officials on both sides of the border have told us that this pilot project has been very effective and that it is helping them in the performance of their duties.

Honourable senators, Canadians who live on our coasts, particularly on the south coast of British Columbia and along the St. Lawrence Seaway and Great Lakes, have asked us to do more to ensure that criminals do not use their waterways to smuggle goods out of or into Canada. We are committed to doing exactly just that.

In an era in which criminals and smugglers are becoming more sophisticated in their methods of moving illegal goods around the world, we need to work ever closer with our U.S. counterparts to secure our borders, because a secure border is an effective border.

Honourable senators, it is important to move forward with this bill, which will help us further crack down on crime. Once passed, it will mean that criminals who smuggle illegal guns and drugs across our border will have to face the consequence of their actions; they will be caught and punished. That is what Canadians want and that is what our government is delivering.

I urge all senators to support this bill and work to ensure its speedy passage.

Honourable senators, I would like to move an amendment to correct a reference to 45.88 in clause 17 of this bill. The section should correctly read 45.48. Clause 17 references the existing

Royal Canadian Mounted Police Act and therefore must reference 45.48, as this is the existing section that applies.

#### MOTION IN AMENDMENT

**Hon. Fabian Manning:** Honourable senators, I move:

That Bill S-13 be not now read a third time but that it be amended in clause 17, on page 8, by replacing line 15 with the following:

“45.48 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the *Keeping Canadians Safe (Protecting Borders) Act*.”

**The Hon. the Speaker:** It is moved by the Honourable Senator Manning, seconded by the Honourable Senator Smith, that Bill S-13 be not now read a third time but that it be amended in clause 17, on page 8, by replacing line 15 with the following:

“45.48 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the *Keeping Canadians Safe (Protecting Borders) Act*.”

Is there further debate?

**Hon. Joseph A. Day:** Honourable senators, I have a question, if the honourable senator will accept the question.

**Senator Manning:** Yes.

**Senator Day:** Thank you. I am looking at Bill S-13. I have not had a chance to review the amendment yet, honourable senators; so I will look forward to doing that. I assume we will have an opportunity to see the amendment before we are called up to vote upon it.

With respect to the bill that the honourable senator has just spoken on in third reading, I am looking at the purpose in clause 3:

The purpose of this Act is to implement the Agreement, the objectives of which are to provide additional means to prevent, detect and suppress criminal offences and violations of the law in undisputed areas of the sea or internal waters along the international boundary between Canada and the United States . . .

We then go to clause 4(a), which reads: It is recognized that Canada and the United States:

. . . have a common interest in the security of undisputed areas of the sea or internal waters along the international boundary between Canada and the United States;

With those two clauses brought to the honourable senator's attention, could the senator confirm that this bill deals with the waterways that form a boundary between Canada and the United States as well as the undisputed seas that relate to both Canada and the United States?



**Hon. Gerald J. Comeau (Deputy Leader of the Government):** On a point of order. I want to be certain that we understand where we are going. My understanding is that once Senator Manning has spoken and has moved an amendment, he no longer has the floor to respond to questions. If I am wrong, His Honour can correct me.

Honourable senators, on the issue of asking a question, if the unanimous consent of the house is given, if I am right on this point, we certainly could entertain unanimous consent for Senator Manning to debate on this item; but my understanding is that after having moved this motion, he no longer has the floor.

**The Hon. the Speaker:** Honourable senators, the understanding of the chair in regard to the Rules is that when debate is occurring on the motion in principal and a motion in amendment is introduced and that has become subject to debate, honourable senators are entitled to debate the main question as well as the amendment that is on the floor.

Honourable senators, we were on Senator Manning's time, and Senator Day rose on questions and comments. Senator Day asked Senator Manning if he would answer a question. Senator Day put his question. I understood that Senator Manning consented to the question being put.

Senator Manning, you do not have to, but do you wish to answer Senator Day's question?

**Senator Manning:** Thank you, but I do not need the protection of His Honour. I do not do anything that I do not want to do.

Would Senator Day repeat the last part of his question, in regard to the waterways versus the land? I did not hear the honourable senator's question.

**Senator Day:** I could read the two clauses again. Clause 3 and clause 4 refer to the:

... undisputed areas of the sea and internal waters along the international boundary between Canada and the United States.

Does this bill relate to waterways that form boundaries and not to the land boundaries between Canada and the United States?

**Senator Manning:** The purpose of the bill is to address the concerns on the water, honourable senators. We have protection at our land borders throughout Canada where border officials check for illegal drugs and guns. Several years ago, in relation to the smuggling of guns, drugs, et cetera, into Canada via our shared waterways, we ran into jurisdictional issues with the United States Coast Guard. If U.S. Coast Guard officials were in hot pursuit of criminals, they would have to stop at what was perceived to be the Canadian border and could not follow the criminals into Canadian waters. The same held true for the Canadian Coast Guard in pursuit of criminals moving into U.S. waters.

Honourable senators, this bill gives both countries the opportunity to work together. They have been doing so on pilot projects that have worked successfully over the last couple of years. They are looking forward to putting this into legislation. The legislation is in place in the United States to protect their officers. This is an opportunity for both the Canadian Coast Guard and the U.S. Coast Guard to continue to work together to address the concerns of illegal drugs and guns being brought into our country.

**Senator Day:** I share the honourable senator's understanding of the purpose and intent of this bill dealing with waterways and not with land boundaries between Canada and the United States. I ask the honourable senator if he agrees with me that the short title is somewhat misleading when it states: "Keeping Canadians Safe (Protecting Borders)."

• (1540)

**Senator Manning:** No, I am sorry. It is not the first time that I happen to disagree with Senator Day on something. I do not agree with him for the simple reason that we are protecting the borders. We are protecting the borders on land in many ways, and we are now in the process of ensuring that the borders are protected on water.

I am sure Senator Day agrees that although any vessel travelling back and forth between our two countries, smuggling goods, drugs or guns into one of our countries, may be on the water, sooner or later it will come ashore to land. The borders are being protected, but we are extending the coverage to the peace officers who are doing their job out on the water.

**Senator Day:** That answer begs another question. The honourable senator indicates that the bill relates to borders on land as well. Can the honourable senator help me find any section in this bill that deals with borders on land as well?

**Senator Manning:** Honourable senators, this particular piece of legislation that we are putting forward is to address the concerns of the peace officers who are on working on the water, and to address the concern of illegal drugs, guns and other illegal substances brought into the country.

We have protection at our borders on land. This bill is an extension of that protection. As I said before, we have had three pilot projects in 2006, 2007 and 2010 that addressed these concerns. These pilot projects, I am sure the honourable senator will agree, are deemed to be successful on both sides of the border. This bill gives an opportunity for our forces to continue to work together to address the concerns of illegal drugs and guns being brought into our country and into the United States.

[Translation]

**Hon. Roméo Antonius Dallaire:** Honourable senators, I did not want to address the issue of ice, since I would like to move the adjournment of the debate.

(On motion of Senator Dallaire, debate adjourned.)

[English]

## CORRECTIONS AND CONDITIONAL RELEASE ACT

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Smith (*Saurel*), seconded by the Honourable Senator Marshall, for the second reading of Bill C-59, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts.

**Hon. George Baker:** Honourable senators, I have a couple of observations concerning the bill before it goes to committee, and I will be brief.

This bill was introduced by Senator L. Smith. He is carrying the ball on this one in the Senate. I think that Senator L. Smith outlined the purpose of the bill clearly — that is, the government intent of the bill. I will quote one line from Senator L. Smith, who is academically well-known for his qualifications in economics and law but is better known, perhaps, as a professional athlete, a running back, I believe. Is that correct Senator L. Smith? Yes, running backs; that is, fellows who are hard to catch but are superb athletes.

Senator L. Smith said the following about this bill, and I quote from his speech on March 1, at page 1882 of the *Debates of the Senate*:

Bill C-59 will put an end to a system that makes individuals who commit white-collar or non-violent crimes to be eligible for parole sooner than those convicted of violent crimes.

...

Under the current system, first-time offenders convicted of fraud and other non-violent offences are eligible for day parole after serving only one sixth of their sentence. . . .

I repeat, "one sixth of their sentence." He continues on to say:

However, with the removal of accelerated parole review, offenders convicted of these crimes will be eligible only for regular day parole at the earliest, six months prior to their first parole eligibility date.

Honourable senators, he stated clearly that the government wishes to do away with a section of the Corrections and Conditional Release Act that allows persons, after serving one sixth of their sentence, to be released on day parole.

Honourable senators, there has been a lot of criticism of these provisions in the law over the years. As a professor of law, His Honour knows that there are several provisions under which someone can be released after serving only one sixth of their sentence. This provision is not the only provision addressed in this

bill, clause 5 amending sections 125 and 126, but there is also the unescorted, temporary absence provisions of the same law, section 115(1)(c), which says:

(i): one half of the period required to be served by the offender to reach the offender's full parole eligibility date, or

(ii) six months,...

As honourable senators know, if someone is in jail and they have a sentence, they become eligible for parole after serving one third of that time. For unescorted temporary absences, it is one half of that time. One half of one third is one sixth. Therefore, persons are released under that provision of the act and, as it says in section 116, it can be for purposes of "family contact, personal development for rehabilitative purposes, or compassionate reasons."

In subsection 116(6), it then states that

An unescorted temporary absence for purposes of a specific personal development program may be authorized for a maximum of sixty days and may be renewed, for periods of up to sixty days each, for the purposes of the program.

Two provisions in the same act allow persons to be released from prison after serving only one sixth of their sentence. This bill addresses only one of those provisions. However, the ways do not end there. If someone receives a three-year jail term, for example, for fraud, the normal parole period is one third of the sentence, which would be one year; and then six months prior to being eligible for parole, they can receive day parole. That will be six months. They would serve only six months in jail. That is one sixth of their term. If they received a three-year jail term, or anywhere approximating that, they would serve approximately one sixth of their time in jail.

That is three ways that they can serve only one sixth of their time. However, there is then a fourth way, honourable senators, that has attracted the attention of the public and made the public aware that perhaps there is something wrong with the release provisions in the law.

As honourable senators know, as an avocation I read case law. From time to time, I encounter cases in which a judge has a rant. Honourable senators have heard of Rick Mercer's rant and Memorial University has a Rant Like Rick contest each year. The winner's award is \$10,000 subtracted from his or her tuition. Every now and then, one hears of a judge's rant; but a judge is not supposed to rant. I cannot imagine Senator Andreychuk ranting when she was a judge.

• (1550)

A few moments ago, I searched for and found a rant by a judge on the matter of early release. The citation is 459 A.P.R. 210 and the case is entitled *R. v. Oliver*. The judge had heard the evidence in the case of a woman in a position of authority charged with fraud. As honourable senators know, someone in a position of authority who is convicted of fraud goes to jail. The woman was



before the court and had been held for sentencing after a finding of guilt. After listening to all arguments, the judge said:

I have been thinking about this ever since I've remanded the woman in custody because of the apparent competing interests that are going on right now between correctional departments and what's going on in the courts. I don't know if judicial notice is the right term to use in all of this, but I am certainly aware as a sentencing judge of what's happening in matters where I have sentenced people to jail. Other judges have sentenced people to jail here in this jurisdiction, only to find that the next morning you read in the paper or you hear on the news that the people never even see the inside of a jail cell. I don't know how the public thinks about all of this. I certainly know what I think about it. I suppose I can only speak for myself. There has been a number of infamous incidents in this jurisdiction, especially with people who have committed offences that are deemed not to be a danger to the public in the sense of violent crimes and I am speaking of property related crimes and I guess one of the notorious ones was the case of the lawyer in this city who took a large amount of money from his clients through their trust funds and was sentenced to six months in prison by one of the judges of this court — I think *R. v. Carter* is the matter — and lo and behold, the man never even went inside — never even went inside the gates of the penitentiary. He was deemed to be not a danger to society by corrections people and the administrators and suggested that the man — that the person shouldn't have to go into jail and was sent home.

He continued and referred to the woman before him who had been convicted and said:

... I think she should go to jail ... She has been in custody for — I think since what? The 15th of May? ... So if I take that into consideration, she has probably been in custody longer now than if I had to send her to jail. ... So I don't know what the solution is. Now, I don't know what the attitude of the corrections people would be if it is the Court of Appeal, the highest court in this province, that said that this woman should go to jail. ... Maybe corrections would take her. I don't know. But they certainly don't seem to want to when this court sends people to jail.

... it is just a charade and the woman has spent a couple of weeks in custody and as far as I am concerned given everything I know, that is as much about as much or more than she probably would serve if I had sentenced her ... given the precedents that have been set where people don't go to jail at all. I do not wish to appear hypocritical. I am tired of trying to fool people. It goes against our professional and personal integrity if the administration of this province or the corrections people are going to be the people that are going to be deciding what jail terms would be.

Honourable senators, I note that the same law that the judge was talking about applies in every province in this country. He continued:

Let the legislation be changed to reflect that. So far as I am concerned, given all of this, I am not going to sentence her to jail at all. ... There will be a restitution order under section 725 of the Criminal Code.

Honourable senators, that was the statement of the judge. The case was then sent to the Court of Appeal, which is the highest court in each province. The Court of Appeal responded by striking down his decision. The Court of Appeal said in its decision at paragraph 5:

... the trial judge appears to have been essentially accurate in his conclusions respecting the potential for release of persons sentenced ... though, of course, he had no way of knowing precisely what would happen ...

I know honourable senators are wondering how can it possibly be that someone could be sentenced within a province and not go to jail. The Court of Appeal also said at paragraph 15:

What is very evident is that a temporary absence under the current scheme may be permanent and indeed a person sentenced to incarceration may not spend any time in prison at all.

Honourable senators, I read that because that makes four ways that under our federal and provincial laws a person does not have to serve the one-sixth time period referenced in this particular legislation.

Honourable senators, the point is this, and I am sure we will hear it in committee. Bill C-59 was read the second time in the House of Commons on February 15, 2011. It was sent to committee on February 15, 2011. The committee report dealt with hearings on February 15, 2011. The report was presented on February 15, 2011. When judges look at this change in the law, they will wonder what any of it means. Without the benefit of evidence gathered on these clauses by the Standing Senate Committee on Legal and Constitutional Affairs, judges and law students would be without direction and would wonder what the bill is all about.

Another issue exists with this bill. I reference Senator Stratton for a moment. I received information from a gentleman this morning that the decision by the Ontario Court deeming the bill passed by the Senate unconstitutional is being appealed, as Senator Stratton requested. I was not the one who said it was unconstitutional in the committee. It was the person to my right, Senator Joyal, who said that he suspected the bill might be open to constitutional challenge. Someone said to me that I had predicted such a challenge, but I never predicted that something would be deemed unconstitutional. I do not have the specific knowledge of such matters as Senator Joyal has. I was reading case law the other day and saw that he had intervened in a case before the Supreme Court of Canada a couple of years ago. I do not know where honourable senators find the time to expand beyond the job they have here in this chamber to make representations to the Supreme Court of Canada, but I congratulate him on it.

• (1600)

Honourable senators, here is what will happen: In the committee, a serious question will be raised. Everyone knows there is a problem here, but how do we solve the problem? Someone will suggest something, and this has not been examined in the House of Commons — it did not even come up.

I was in the house in 1992 when this law we are now eradicating was brought in. I was there in 1997 when it was modified. I was here in this place in 2009 when the same bill was introduced. Let me read something to honourable senators. This bill now is different from the bill introduced in 2009. The difference is clause 10. In the bill introduced in December 2009, it says: "The accelerated parole review process . . . continues to apply to offenders who were sentenced." The same clause in this bill says: "The accelerated parole review process . . . does not apply . . . to offenders who were sentenced."

Honourable senators, the bill raises a question of what is retroactive, retrospective and prospective. It raises that thorny issue of whether we can introduce a law after someone has been sentenced that changes how long they will stay in prison. Can we do it?

One would think on the face of it that there are two schools of thought. I drew out from this year a case called *Fo v. British Columbia Securities Commission*, heard in 2009. The law was changed. A person had misappropriated \$8.7 million from 26 clients. There was a maximum administrative penalty of a quarter million dollars in total for each contravention.

The British Columbia Securities Act was changed to allow for \$1 million per contravention. The person was charged and the restitution was \$6 million; he was charged with misappropriating \$8.7 million and the administrative penalty was \$6 million.

He appealed to the Court of Appeal of British Columbia. This is what that court had to say about it. I will go to clause 10 and read one sentence: "The common theme of judges and scholars throughout the centuries has been that retrospective laws are unfair and unjust."

The court goes on to find the new law unconstitutional and they quote the difference between retroactive and retrospective. They use Driedger's *Statutes: Retroactive Retrospective Reflections*. It is only one sentence and Your Honour will understand this difference; he has taught it many times:

A retroactive statute is one that operates as of a time prior to its enactment. A retrospective statute is one that operates for the future only. It is prospective, but it imposes new results in respect of a past event. A retroactive statute operates backwards. A retrospective statute operates forwards, but it looks backwards in that it attaches new consequences for the future to an event that took place before the statute was enacted. A retroactive statute changes the law from what it was; a retrospective statute changes the law from what it otherwise would be with respect to a prior event.

They go on to quote a sentence in paragraph 15. It is from Professor Ruth Sullivan, whom Your Honour and many honourable senators know personally. In her book, Sullivan and Driedger *On the Construction of Statutes* at page 559, she says:

Under the definition of retroactivity accepted by Canadian courts, a provision increasing the fine or term of imprisonment attracting to an offence would be considered retroactive if applied to offences committed before commencement of the provision.

Honourable senators, it is necessary that we go to committee to examine these matters as they relate to the constitutionality of the law itself.

In conclusion, Senator L. Smith has done an excellent job of outlining the intent of the legislation. All that remains is to see whether he gets a touchdown with this bill or whether he will receive a constitutional tackle somewhere along the way.

**The Hon. the Speaker *pro tempore*:** Is there further debate? Are honourable senators ready for the question?

**Hon. Bob Runciman:** May I ask Senator Baker a question?

**The Hon. the Speaker *pro tempore*:** Will the honourable senator accept a question?

**Senator Baker:** Yes.

**Senator Runciman:** In terms of clarification, Senator Baker spoke to the issue of people never having to serve a day in a lockup. In his research, does that issue apply only at the provincial level? I think it does. I know from my own experience, for example, with intermittent sentences that the "inn is full" on weekends and, frequently, people are turned away. However, I would be surprised if that situation had ever occurred in a federal institution.

**Senator Baker:** The honourable senator is absolutely correct. However, I refer him to section 114 of the Corrections and Conditional Release Act. That section says that when someone is serving a federal sentence in a provincial institution, the provincial institution will decide the parole. That is something else we need to investigate at committee to learn exactly what the substance of that section is.

Honourable senators, I think the general public wants to see proper restitution here. Given the two most recent cases of *Lacroix* and *Jones*, where huge amounts of money were involved and prison terms of 11 and 13 years were given, perhaps some witnesses will suggest other means of ensuring that people receive the restitution they deserve.

Honourable senators, regarding the crime-related seizures of money, of forfeiture, perhaps someone can give consideration to introducing a bill making it possible that proceeds of crime can be diverted in particular cases to the victims, as proceeds to them as restitution where they cannot obtain restitution through civil action or federal law.

**The Hon. the Speaker *pro tempore*:** Is there further debate?

(On motion of Senator Tardif, debate adjourned.)



• (1610)

## AERONAUTICS ACT

### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Michael L. MacDonald** moved second reading of Bill C-42, An Act to amend the Aeronautics Act.

He said: Honourable senators, it is with great pleasure that I rise today to speak in support of Bill C-42, An Act to amend the Aeronautics Act. Before I begin, I would like to take a moment to recognize the very important work that has already been done on this bill in the other place. I would like to commend all honourable members for their work and suggestions, which have helped make Bill C-42 the strongest legislation possible.

Honourable senators, much has already been said about Bill C-42. It is, however, not a complex piece of legislation. Put simply, Bill C-42 will allow Canadian business people and tourists to continue to fly to places such as Mexico and the Caribbean in the most cost-effective and time-efficient manner possible.

This amendment will allow Canadian air carriers to comply with the law of another country — a law which, I might add, all nations, including the United States and Canada, are perfectly within their rights to implement, as several witnesses at committee hearings, including Canada's Privacy Commissioner, have noted.

The U.S. has the sovereign right to control who enters its airspace; that fact is not in dispute. Secure Flight is not optional. If we do not act now to allow compliance with the Secure Flight Program, while at the same time complying with Canadian privacy law, all flights that currently enter U.S. airspace — say, a flight from Ottawa to Cancun — could be forced to fly around continental U.S. airspace to get to their destination.

As we have heard from representatives of the Canadian air and tourism industry at committee, this would have a crippling effect on their business. Longer flights mean more fuel used, higher operational costs and higher flight prices — all at a time when the air travel industry continues to struggle to remain competitive and in the black.

There remain, however, some persistent inaccuracies surrounding the legislation and what it will mean in practice. I am happy to have the opportunity today to dispel some of the ongoing myths that have been repeated during debates and in committee hearings in the other place.

It is important for all honourable senators and all Canadians to fully understand what this bill will do and what it will not do.

As honourable senators are aware, our government has placed a high priority on maintaining a productive dialogue and a collaborative approach with the United States' authorities on all matters relating to aviation security. Since the terrorist attacks of September 11, 2001, the United States has made several important changes to their aviation security regulations,

including the requirement that all air carriers landing planes on American soil must provide passenger information to the U.S. Transportation Security Administration.

Here in Canada, Bill C-44 came into force in 2001 to amend the Aeronautics Act and to allow Canadian air carriers to provide passenger and crew information to the United States when the flight was ending on U.S. soil.

In 2004, the United States passed the Intelligence Reform and Terrorism Prevention Act. This act, among other things, laid out requirements for the U.S. government to take over responsibility for checking passenger manifests against the U.S. No Fly List and selected lists from airlines. Subsequently, in 2008, the Secure Flight Final Rule was published to provide details on how the U.S. government would implement this regulation.

As I mentioned at the outset, the key change in this rule that impacts Canadian air travel is the requirement that airlines provide personal passenger information on all flights from Canada that pass through continental United States airspace to a third country, even if they are not landing on U.S. soil.

Honourable senators, the U.S. government did not make these regulations optional. Secure Flight is a legally mandated requirement which all nations and all airlines must comply with if they want to fly into or through United States airspace.

During the development of the Secure Flight Final Rule, we worked closely with the United States to remind them of the important work that has already taken place in our two countries to bolster aviation security on both sides of the border. We also stressed to them that any regulations set out under Secure Flight must protect the rights and privacy of Canadians, as enshrined in Canadian law, and we stressed that personal passenger data not be retained for longer than absolutely necessary.

Honourable senators, I am proud to say that our efforts helped to influence the final rule. As well, we have gained a crucial exemption for Canada and that is this: That all Canadian domestic flights are exempt from the Secure Flight Final Rule.

By way of example, if one was were flying from Vancouver to Toronto, and the flight passes through U.S. airspace, the air carrier does not have to provide one's personal information to the United States. This is clearly indicated in Bill C-42 and in the Secure Flight Final Rule. Let us put that misunderstanding to rest once and for all.

I will now address some of the other key misconceptions about Bill C-42.

We have heard from honourable senators in committee that, under this bill, the United States will collect excessive personal information about passengers. We have heard figures ranging anywhere from 30 pieces of information up to an unlimited amount of personal data that will be provided to the U.S.

It has been said in the committee hearings in the other place that airlines will have to provide data to the U.S. on everything from one's meal choice and health issues to one's itinerary on the

ground, and even one's race or religious background. This is simply not true, and I would like to clear up exactly what will be collected.

According to the U.S. Secure Flight Final Rule, there are 20 pieces of data that are being requested by the U.S. if passengers are flying into or through U.S. airspace to a third country. In the regulations, it stipulates that air carriers must collect three mandatory pieces of personal data — full name, gender and date of birth of all passengers and crew.

It goes on to say that, if available, air carriers must also provide to the TSA an additional 17 pieces of data. These include items like passport number, redress number, flight number, and date and time of departure and arrival. Honourable senators, this is far from the numbers we have heard bandied about in the other place.

Another myth is that personal data will be saved by the United States for 40 years. Again, this is incorrect. In most cases, the personal information sent to the United States will be held for 7 days, not 40 years. It is then permanently deleted from their data bank.

The only time that passenger information might be held for longer than seven days is if a passenger's name is thought to match a name on the No Fly List, or it raises concerns about a specific link to terrorism.

I will conclude with one final pervasive myth about this legislation. It was said in deliberations in committee in the other place that personal information of Canadian passengers will be shared with other countries that Canadian airlines overfly. As we have informed committee members, this is simply not the case. Over-flight information will be shared with only the United States.

Thanks to the good work of all parties, we have added specific wording to the legislation before us, which indicates that only the United States will receive our information. We were happy to amend the legislation in this way and to ensure that it is very clear to all Canadians that there is no risk of their personal information being shared by Canadian airlines with other nations that they may be overflying.

Honourable senators, I said at the outset that we greatly appreciate the efforts we have seen from honourable members in the other place to discuss Bill C-42 in a thoughtful and instructive manner. However, the urgency to pass this legislation is growing, as the United States wishes to implement this Congress-mandated program as soon as possible. I therefore ask that all honourable senators ensure the speedy passage of Bill C-42.

**Hon. Tommy Banks:** Will Senator MacDonald answer a question?

**Senator MacDonald:** Yes.

**Senator Banks:** I should have said "accept," not "answer," because as the Speaker pointed out before, the honourable senator does not have to answer.

A very distinguished person has called to my attention an anomaly in this bill. I wonder whether Senator MacDonald considered it or has an opinion or view on it.

There are two houses of Parliament in Canada. This house is now being asked to pass this bill into law. This bill contains, as all such bills should, a review provision, but the review provision specifies only that a committee of the House of Commons will review this legislation and that it will make its report only to the House of Commons.

Has the honourable senator considered the concept that perhaps the Senate ought to be included in this legislation when it comes to review, since we have a Transport Committee?

**Senator MacDonald:** Honourable senators, I picked up on that as well. It would seem to be reasonable that the Senate committee would also have a look at this legislation, so I would encourage us to get this through this chamber as quickly as possible and get it to committee so we can look at it.

(On motion of Senator Moore, debate adjourned.)

• (1620)

## BILL RESPECTING THE REORGANIZATION AND PRIVATIZATION OF ATOMIC ENERGY OF CANADA LIMITED

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-225, An Act respecting the reorganization and privatization of Atomic Energy of Canada Limited.

**Hon. Bob Runciman:** Honourable senators, I am pleased to have the opportunity to speak to private member's Bill S-225. The bill's sponsor, Senator Hervieux-Payette, in her opening comments told us that her bill would stabilize and revitalize Canada's nuclear industry. However, if this bill were to pass, I would suggest, honourable senators, that its impact would have quite the opposite effect. Rather than revitalizing Canada's nuclear industry, it would instead derail the government's efforts to achieve that very goal.

This chamber, just months ago, approved legislation that provides for the restructuring of Atomic Energy of Canada. I suggest with great respect that reopening this issue would be a mistake. The divestiture process is moving forward and should not be delayed.

Just last week, we read that the Ontario Municipal Employees Retirement System is considering joining with SNC-Lavalin in a bid for AECL's reactor division. The restructuring process — endorsed by this chamber — is well under way.



Honourable senators, let me return to the purpose of the legislation, which was passed by both houses of Parliament to enable the restructuring of AECL. Specifically, I am referring to Part 18 of the Jobs and Economic Growth Act, which provides the necessary approvals to reorganize AECL and allows the government to divest its holdings in part or in whole.

This legislation was structured to provide the government with the capacity to negotiate the best transaction possible to meet the policy objectives it has set out. It is obvious that the objectives to protect the interests of Canadian taxpayers, and position Canada's nuclear industry so it can seize opportunities and retain highly skilled workers, can only be met by restructuring AECL's CANDU Reactor Division.

Honourable senators, we must establish a more competitive CANDU Inc. under private ownership. The evidence is clear. It has not sold a reactor in more than a decade. Its refurbishment of the Point Lepreau reactor is taking too long and costing too much. It repeatedly returns, cap in hand, to taxpayers seeking more funding. Just this winter, in Supplementary Estimates (C), AECL is asking for another \$175.4 million, bringing the total for this fiscal year to a staggering 871.9 million tax dollars.

A restructured AECL is the only realistic way to protect taxpayers and ensure a brighter future for the nuclear industry in Canada. To achieve that goal, new legislation was required, because AECL is a Crown corporation, subject to the Financial Administration Act. That legislation was introduced, examined in committees, both in the Senate and in the other place, debated and voted on in both houses of Parliament.

The decision was made, when the Senate voted on July 12, 2010, and the Jobs and Economic Growth Act received Royal Assent.

The National Finance Committee heard witnesses outline the problems with AECL and the way to a brighter future for Canada's nuclear industry. That is why I believe the decision we made then was the right one, and it remains the right decision today. There is no reason to revisit this issue.

Honourable senators, the government is doing this because it offers the best opportunity for Canada's nuclear industry to succeed in a rapidly changing environment. However, it was not a matter of just hanging out a "for sale" sign. Before embarking on this process, the government conducted a full review, a review that made it clear that the company's current structure was not suitable for the new global environment. It was, in fact, holding back the company and reducing the benefits to Canada.

In particular, the review found that the CANDU Reactor Division is too small to be a significant global player. New ownership is needed to take advantage of the opportunities and to limit the liability for taxpayers.

Honourable senators, this was the reason for enacting the legislation to allow the government to divest its holdings of AECL in whole or in part. Revisiting that legislation now can only result in delays and uncertainty — the last thing AECL or Canada's nuclear industry needs.

Honourable senators should also know that the enabling provisions of Part 18 of the Jobs and Economic Growth Act do not affect in any way the regulatory framework for nuclear energy in Canada, including the role of the Canadian Nuclear Safety Commission to regulate the health, safety, security and environmental aspects of the Canadian nuclear industry.

I have highlighted the key objectives of the existing legislation around the restructuring. I will now briefly turn to the bill.

Honourable senators, Bill S-225 would completely reverse the provisions that make it possible to restructure AECL. It will ensure the long-term stagnation and decline of the nuclear industry in Canada.

When I look at Bill S-225, I see a bill that has no connection with the real world. This bill would allow the private sector to buy no more than 30 per cent of the voting shares of AECL, with foreign entities restricted to 30 per cent of that, with the federal government retaining 70 per cent.

The sponsor of this bill, in her speech to this chamber on December 1, said that her goal is to ensure AECL "remains within the control of the federal government, while involving the private sector in a minority stake in order to raise capital . . ." She went on to say that federal control will "ensure that decisions are taken in the best interests of Canadians . . ."

Senator Hervieux-Payette is telling the private sector that she would like a few hundred million dollars from them, but their control over how it is put to use will be limited. She is telling this altruistic investor that when push comes to shove in this partnership, political considerations will win out over sound business decisions.

Private money, government control. I ask, given the track record of this corporation, what private investor in his right mind would enter into such an agreement?

Do not take my word for it. Consider the advice given to the National Finance Committee by Jan Carr, the former CEO of the Ontario Power Authority. He is an advocate of the government continuing to hold a minority stake. I want to put that on the record.

On July 5 last year, Mr. Carr told our committee:

The reason I am suggesting a minority interest is such that it does not therefore scare off commercial capital, which abhors being in a minority position. Anyone who is going to put capital in will want to be in a commercial control position, a majority.

Honourable senators, the goals of a corporation are to sell products and enhance shareholder value; the goals of a government are much different, as they should be. The hybrid creature the honourable senator envisions is entirely unrealistic. She is making an offer no one could accept.

Honourable senators, perhaps most troubling about Bill S-225 is that it runs counter to the best advice we have received. As Senator Marshall noted earlier in this debate, witnesses who appeared before the Standing Senate Committee on National Finance noted that AECL urgently needs a new direction. Witnesses with no political axe to grind, people like Mr. Carr,

who had a 38-year career in the energy industry and most recently ran the country's largest power authority, and Bryne Purchase, Executive Director of Queen's University Institute for Energy and Environmental Policy, both stated that they support the government's plan.

If the government retains 70 per cent of the company, I find it very difficult to envision a new direction. I see more of the same, and I do not believe that is an acceptable outcome for Canadians.

Honourable senators, we have a responsibility to Canadians and to the nuclear industry to respect Parliament and stay on course. This industry is too important to the economies of Ontario and Canada to do anything else.

Delaying this process through further consideration of Bill S-225 prolongs uncertainty and is negative for the industry, its employees and clients. Global opportunities are out there — and we heard about some of them through the hearings — but not if we are paralyzed by endless debate.

There was good news just last year when Prime Minister Harper hosted India's Prime Minister Singh. At that meeting, the two countries signed a nuclear cooperation agreement that will provide Canada's nuclear industry with access to India's expanding nuclear market.

• (1630)

With opportunities such as this one at our doorstep, it would be irresponsible to turn back now. That is why the Government of Canada should continue the process towards the divestiture of the CANDU reactor division. If we want the government to conclude this process in a timely fashion, as requested by all stakeholders, now is not the time to change the legislative framework.

Honourable senators, I believe it is self-evident that we cannot support a measure that will only reverse the progress that has been made, a measure that has no realistic chance of providing the new direction AECL needs. My position, with the greatest of respect to my honourable colleague, is that the debate is finished, it is over, let us not reopen it.

**The Hon. the Speaker *pro tempore*:** Is there further debate?

**Senator Tardif:** Question.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

(Motion agreed to and bill read second time, on division.)

#### REFERRED TO COMMITTEE

**The Hon. the Speaker *pro tempore*:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Tardif, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

## NATIONAL DAY OF SERVICE BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Wallin, seconded by the Honourable Senator Marshall, for the second reading of Bill S-209, An Act respecting a national day of service to honour the courage and sacrifice of Canadians in the face of terrorism, particularly the events of September 11, 2001.

**An Hon. Senator:** Question.

**The Hon. the Speaker *pro tempore*:** Are honourable senators ready for the question?

**An Hon. Senator:** No.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

**The Hon. the Speaker *pro tempore*:** Carried, on division.

(Motion agreed to and bill read second time, on division.)

#### REFERRED TO COMMITTEE

**The Hon. the Speaker *pro tempore*:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Wallin, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

## INCOME TAX ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Rivest, seconded by the Honourable Senator Lang, for the second reading of Bill C-288, An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions).

**Hon. Fred J. Dickson:** Thank you, honourable senators, for the opportunity to speak against Bill C-288, a fundamentally flawed proposal from the Bloc Québécois.

From the onset, let us be clear about what this proposal would do and how much it would cost. First, Bill C-288 would grant a temporary special \$8,000 tax subsidy for a chosen few new graduates taking, essentially, any employment in any of the ill-defined regions in this proposal.



Bill C-288 is so poorly thought out that it classifies booming Fort McMurray, the heart of Canada's oil sands, as economically depressed and would give workers there a tax subsidy. Second, it would cost nearly half a billion dollars to implement the unsound proposal that is Bill C-288.

The Parliamentary Budget Officer conducted a cost analysis of this proposal for the House of Commons Standing Committee on Finance, and that report, available on line for all to see, concluded:

... assuming no behavioural change on the part of graduates and based on the foregoing assumptions, these ranges suggest that at full phase-in the program could have a cost estimate of between over one hundred million to approximately six hundred million per annum.

Let me underline the "assuming no behavioural change," qualifier the PBO deliberately included in that statement. Clearly we would be facing a much higher cost.

Bill C-288 is a terrible and counterproductive economic policy that would not create one single job. The bill has countless problems, two of which are particularly glaring and bizarre.

First are the vague conditions surrounding "qualifying employment" in the proposal. "Vague" is a charitable way of describing them, for Bill C-288 does not identify any skill set it is trying to retain. Is the tax subsidy proposed to provide an incentive for new nursing graduates, engineers, aircraft mechanics or accountants? No one knows. As a tax subsidy, the bill does not target any particular skill or profession.

In essence, Bill C-288 would provide a temporary tax subsidy to almost any recent post-graduate employed in the designated regions under it. According to the legislation, the subsidy could be claimed by any graduate if "the knowledge and skills obtained during the individual's training or educational program are related to the duties performed."

That weak and overly broad definition clearly targets no particular skill or occupation, and does not even specify on what basis this targeting could be determined. The result ultimately is that any graduate would easily qualify, as any job makes use of general problem-solving skills naturally obtained during the course of one's education.

The list of designated regions is outdated. Bill C-288 almost comically selects the areas where these graduates would be eligible for the subsidy. Specifically, the credit would be available to any graduate taking up work in a region defined under another piece of legislation called the Regional Development Incentives Act, only excluding metropolitan areas with populations over 200,000. Under that specific act, there is a list of designated regions that have never been classified as economically challenged because "existing opportunities for productive employment in the region are exceptionally inadequate."

There is a catch, as usual. The list of designated regions has not been amended or updated since 1981, in other words, three decades. Such a seriously outdated list, based on the Canadian economy of the early 1980s, obviously has little to no bearing on the economic realities of today.

Does it make sense to believe Canada's labour market has not changed significantly in the last 30 years? Does it make sense to believe a tax subsidy based on labour market conditions of 1981 is anything but poorly thought out?

In fact, under the Bloc Québécois proposal, most parts of Saskatchewan and Manitoba are included, curiously, on the list of designated regions as economically challenged. Both these provinces have unemployment rates well below the current national average. Neither province can realistically be characterized as having limited employment opportunities, certainly not compared to other parts of the country.

Indeed, BMO Capital Markets has forecasted Saskatchewan will lead other Canadian provinces in economic growth in 2011. As noted in that BMO Capital Markets report, "real GDP is expected to rebound 4 per cent in 2011: the fastest pace in Canada. . . . Commodities sector investment will also continue to drive job growth, and the province should again share one of Canada's lowest unemployment rates in 2011."

• (1640)

As Saskatchewan Premier Brad Wall recently pointed out, Saskatchewan is tied with Manitoba for the lowest unemployment rate in the country. They edge us out by a few decimal points. This is evidence of further momentum in our economy and it is positive.

Manitoba's economy is also strong. Manitoba, which had an unemployment rate of 5 per cent, was the only province with a lower rate than Saskatchewan's.

In a Government of Manitoba news release, Minister Peter Bjornson was quoted as saying:

Manitoba's growth ready remains steady, the province's economy remains strong and more Manitobans are working than ever before. . . . Manitoba is faring well among the provinces.

The province's unemployment rate is the lowest in the country.

Based on this, honourable senators, can we honestly suggest that opportunities for productive employment in Saskatchewan and Manitoba are exceptionally inadequate, as Bill C-288 would dictate? Should we really give new graduates special tax subsidies to work there? Clearly, it would be ridiculous to do so. This is a fundamental flaw with the Bloc Québécois proposal.

To further illustrate my point, I draw honourable senators' attention to the fact that the Wood Buffalo-Cold Lake region of Alberta would also be classified as an economically challenged region under Bill C-288. Those not familiar with that area may be surprised to find that it includes Fort McMurray, whose oil production industry is one of Canada's major economic engines. An article in *Fort McMurray Today* entitled "Local unemployment Alberta's lowest" states:

. . . the biggest thing to note in the latest local employment numbers is how steady they remained through the economic downturn of the past year. In a year described by energy

insiders as one of the worst for Alberta's energy sector in the last 20 years, Wood Buffalo-Cold Lake still saw local employment numbers stay very consistent.

There's been very little movement throughout most of the year. Unemployment continues to sit at the lowest rate throughout the province . . .

. . . the job growth in the region has been substantially helped by developing local oilsands projects but other sectors have also been contributing.

We are stunned that the Bloc Québécois would bring forward a poorly thought out proposal suggesting that Fort McMurray, the heart of Canada's oil sands, is economically challenged and that its workers are in need of tax subsidies.

It gets more bizarre. Regions excluded in Bill C-288 include those with unemployment rates near or above the national average. For instance, new graduates taking up work in Windsor or St. Catharines — regions with unemployment rates well over 10 per cent — would be ineligible for the tax subsidy.

Without a doubt, Bill C-288 is beyond "poorly targeted," as it haphazardly selects economically challenged regions in which new graduates would be eligible for the tax subsidy.

Another problem with Bill C-288 is that it fails to help employers attract skilled workers. A special temporary tax subsidy may influence graduates' choice of where to settle and work in the short term. However, does it do anything in the long term? What happens when they are no longer eligible for the tax subsidy? What is the rationale for providing a special tax subsidy to Canadians who would work in a designated region, regardless of whether or not the tax subsidy existed?

Clearly, Bill C-288 does not have an adequate answer to these questions. Moreover, this Bloc Québécois proposal does nothing to encourage Canadians to develop the skills needed for ongoing growth in the economy and the country's prosperity. Instead, it plays a zero-sum game of encouraging new graduates to move from one area of the country where they are needed to another area where their skills may not be in short supply. In effect, Bill C-288 would serve as a major disincentive to economically efficient labour mobility in Canada.

On top of all these problems, honourable senators, Bill C-288 is blatantly unfair to new graduates who are not in a designated region. It would create serious inequities between new graduates who work in different regions of Canada. People choose where to settle and work based on a wide range of considerations. Many new graduates already choose to work in these designated regions, despite the fact that such a tax credit does not exist. For such workers, the credit would be a tax subsidy windfall. Under Bill C-288, two similar recent graduates with similar jobs and the same pay, working only a few kilometres apart, would face completely different tax bills. While one new graduate would receive a tax subsidy, another would be paying \$3,000 in federal taxes to help pay for that subsidy. How is that fair?

Canadians expect a tax system that treats them fairly and that deems this sort of inequity completely unacceptable.

Finally and most importantly, this measure would most likely not result in any new jobs for new graduates.

Honourable senators, we appreciate that Canada has weathered the global recession better off than all other major industrialized countries. With the help of our Conservative government's Economic Action Plan, the economy has started the road to recovery. In fact, Canada has created over 460,000 new jobs since July 2009. This is by far the strongest job growth in any of the G7 countries.

Jobs were created with the help of key investments to help workers and economically challenged communities. For instance, we are providing over \$2 billion in stimulus spending to support economic adjustments in regions, communities and industries most affected by the economic downturn, thus helping to secure new jobs and opportunities.

The International Monetary Fund and the Organisation for Economic Co-operation and Development forecast that Canada's economic growth will be among the strongest of the G7 this year and next. The IMF also singled out Canada for praise and said that Canada entered the global crisis in good shape and, thus, the exit strategy appears less challenging than elsewhere. This reinforces what we have been saying all along, that, while not immune from the global recession, Canada's economy entered it and will exit it in among the strongest of positions.

However, the global recovery remains fragile. Our first priority remains to implement *Canada's Economic Action Plan* to create jobs, lower taxes, foster growth and invest in better infrastructure.

*Canada's Economic Action Plan* is providing timely and temporary relief in response to extraordinary economic problems. However, we also understand that balanced budgets are essential to economic growth and job creation. That is why there is a clear, three-point plan to return to a balanced budget. First, we will follow through with the exit strategy built into the Economic Action Plan. Second, we will take action to ensure government lives within its means. Third, we will conduct a comprehensive review of government administrative and overhead costs.

The challenges in many European countries serve as a reminder of the dangers of uncontrolled deficit spending. Canadians expect their government to spend responsibly and to reduce the deficit as the recovery of the global economy gathers pace. Endorsing Bill C-288, with its exorbitant costs, is simply irresponsible.

Finally, I ask honourable senators across the aisle who are planning to support this proposal if they have accounted for its costs.

What taxes would be raised to offset the cost? What spending would be cut? According to the Liberal leader's own public edict in terms of any proposal to be fiscally credible, "One of the issues we have to confront is: How do we pay for this? We cannot be a credible party until we have an answer for that question. . . . We will not identify any new spending unless we can clearly identify a source of funds without increasing the deficit."

I ask honourable senators across the aisle these important questions.



• (1650)

Honourable senators, in conclusion, Bill C-288 misses the mark in the following ways. It arbitrarily and comically provides a tax subsidy without targeting it to current labour market needs or any particular skills or occupations. It creates significant inequities in the tax system by unfairly doling out extraordinary amounts of tax relief to some taxpayers while providing absolutely nothing for others. It plays a zero-sum game by taking from one region and giving to another, instead of trying to increase growth in all regions of our country. Finally, honourable senators, according to the Parliamentary Budget Officer it would cost over half a billion dollars.

For these reasons, I am unable to support this Bloc Québécois proposal and encourage all honourable senators to reject it similarly.

**The Hon. the Speaker pro tempore:** Questions or further debate?

**Hon. Fernand Robichaud:** Would the honourable senator accept a question?

**Senator Dickson:** I will accept the question.

**Senator Robichaud:** The honourable senator mentioned that the Parliamentary Budget Officer estimated that this measure would cost a certain amount of money. Senator Dickson seems to give a lot of credibility to the numbers that the Parliamentary Budget Officer puts forward.

Does the honourable senator believe the numbers he has concerning the monies required for the Correctional Service of Canada to meet the demands of this government's Justice agenda? The Parliamentary Budget Officer says the government will need a lot of money. Does the honourable senator believe the numbers he has been given?

**Senator Dickson:** Honourable senators, I have before me the report of the Parliamentary Budget Officer on Bill C-288. I am not familiar with the expenditures anticipated in the prison system of Canada as a result of the crime legislation. However, the honourable senator must agree with me — and he has no doubt read this report on Bill C-288 as I have — and depending upon accepting his assumptions, there is a tremendous cost to the implementation that is dependent upon the uptake and various other factors if Bill C-288 were to be implemented. There are just too many uncertainties.

**Senator Robichaud:** I was not questioning the Parliamentary Budget Officer's numbers, as the honourable senator very well knows. I was asking Senator Dickson if he believes all the numbers he puts out.

**Senator Dickson:** Honourable senators, for clarification, in my first reply I said I was not familiar with the numbers the Parliamentary Budget Officer put out insofar as the crime legislation is concerned so I cannot comment on that, but I can speak on Bill C-288.

**The Hon. the Speaker pro tempore:** Are honourable senators ready for the question?

**An Hon. Senator:** Question.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

**The Hon. the Speaker pro tempore:** On division.

(Motion agreed to and bill read second time, on division.)

**The Hon. the Speaker pro tempore:** Honourable senators, when shall this bill be read the third time?

REFERRED TO COMMITTEE

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on National Finance.)

## NATIONAL HOLOCAUST MONUMENT BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Boisvenu, for the second reading of Bill C-442, An Act to establish a National Holocaust Monument.

**Hon. Joan Fraser:** Honourable senators, it is my recollection that when I took the adjournment on this bill it was almost a pro forma because I was replacing Senator Tardif.

I do intend to speak to this bill the week after the break if possible, but if any other senator wishes to speak to the bill, I urge them to do so and not the usual wait until the senator in whose name it stands has spoken.

I do intend to speak within the next couple of weeks, but I do not want to block anyone else from doing so because I think this topic is extremely important. I move the adjournment for the balance of my time.

(On motion of Senator Fraser, debate adjourned.)

## STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

### FOURTH REPORT HUMAN RIGHTS COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fourth report (interim) of the Standing Senate Committee on Human Rights, entitled: *Canada and the United Nations Human Rights Council: Charting a New Course*, tabled in the Senate on June 22, 2010.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I notice that this is at Day 14. Senator Jaffer asked that I continue the debate in her name and therefore I move the adjournment in her name.

(On motion of Senator Tardif, for Senator Jaffer, debate adjourned.)

## GOVERNMENT PROMISES

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the litany of broken promises by the Harper administration, beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

**Hon. Jane Cordy:** Honourable senators, I rise today to speak to Senator Cowan's inquiry. We see, after five years and two election platforms later that this government is unable or, worse yet, unwilling to follow through on promises made to Canadian voters.

We heard from Senator Cowan about the government's broken promise on income trusts, leading to the decimation of many Canadian seniors' life savings. Senator Day brought the attention of this chamber to the government's lack of action in establishing a public appointments commission, where now we have a Prime Minister who has made over 4,600 patronage appointments in less than five years. Here it is, March of 2011, and we still have no commission.

Last week, Senator Merchant highlighted Mr. Harper's reneging on his word to remove non-renewable natural resources from the equalization formula; a move that would have reaped Saskatchewan over \$800 million annually from the federal government.

Honourable senators, today, I want to speak to the promise made in the government's 2006 platform to address the problem of patient wait times in Canada's health care system. The 2006 Conservative election platform clearly states:

A Conservative government will:

- Push ahead with implementing the September 2004 federal-provincial Health Accord. We will ensure that:
- Evidence-based benchmarks from medically accepted wait times, starting with cancer, heart, diagnostic imaging procedures, joint replacements, and sight restoration are established as soon as possible, as promised in the Health Accord.
- Patient wait-time reduction targets for priority procedures identified by provinces are established by the end of 2006.

- Canadians get regular reports on progress towards meeting these wait-time targets, as promised in the Health Accord.
- We will work with the provinces and the territories to increase the numbers of, and expand educational programs for doctors, nurses, and other health professionals.

This is all from the 2006 Conservative election platform.

Each of these promises, if met, would have gone a long way to improving the quality, effectiveness and sustainability of the health care systems across the provinces and territories. Unfortunately, when it comes to establishing evidence-based benchmarks for all five priority clinical areas across the country, the government has come up well short of fulfilling their election promise. Canadian patients continue to wait for too long for their medical procedures.

According to a Fraser Institute study on wait times, in 2010 Canadians from across the country were waiting for an estimated 825,827 procedures. This showed an increase of 19 per cent from 2009.

• (1700)

In 2004, Canada's first ministers identified five priority areas for improvement in wait times — cancer, joint replacements, vision, cardiac surgery and diagnostic imaging. Each year the provinces and territories are measured for progress against these five priorities. In 2005, a Federal Advisor on Wait Times was appointed, reporting to the Prime Minister and federal Health Minister to work with the provinces and territories to fulfill the commitments made in the First Ministers' Health Accord 2004.

In December of 2005, wait time benchmarks were agreed upon in four of the five priority areas. No agreements were made toward benchmarks in diagnostic imaging. At the time, it was stated that the provinces and territories were committed to establishing benchmarks for diagnostic imaging, but it was claimed there was not enough clinical evidence available. Five years later, there are still no wait time benchmarks for diagnostic imaging, for such tests as magnetic resonance imaging, MRI, and computed axial tomography, CAT, scans.

In June of 2006, the federal advisor issued his final report to the government. Several issues were singled out to be addressed to improve the health care system effectively and to reduce wait times. By addressing these key areas, patients would be better served, wait times would be reduced and health care systems would become increasingly responsive to the needs of patients. The federal advisor advised immediate action in the following areas: ongoing research to support benchmarking and operational improvements; adoption of modern management practices and innovations in health systems; accelerated implementation of information technology solutions; cultural change among health professions to foster development of regional surge capacity; and, finally, public education to support system transformation.

To date, the government has neither issued a response to this report nor implemented any of the recommendations.



What was promised in the 2006 Conservative election platform was to establish patient wait-time guarantees across the country for all five priority procedures, as agreed upon by the provinces and the territories in 2005. However, on April 4, 2007, Prime Minister Harper announced, "Canadians will be guaranteed timely access to health care in at least one of the following priority areas, either cancer care, hip and knee replacement, cardiac care, diagnostic imaging, cataract surgeries or primary care."

Instead of establishing patient wait-time guarantees across the country for all five priority procedures as promised, this government has abandoned that commitment made in their 2006 election platform by allowing the provinces and territories to focus instead on a single priority to qualify for federal initiatives funding.

By removing the stipulation that funding is available contingent on meeting goals in all five priority areas, the jurisdictions are able to select the priority area which, in most cases, they are already excelling, ultimately defeating the purpose of the original promise of shortening wait times across the board. That is like telling a student to pick one course in which the student does well and, by the way, their report card will reflect only how they do in that one course.

Surely, Canadians deserve better. Surely, Canadians deserve to believe their Prime Minister when in 2006, he promised wait-time guarantees for all five priority procedures as agreed to by the provinces and the territories.

Honourable senators, I am particularly concerned about wait times within the mental health field. Those who suffer from poor mental health must often wait a long time for treatment. The Fraser Institute reports that there is a 16-week wait, from seeing a general practitioner to elective treatment for mental illness. Wait times, from meeting with a specialist to elective treatment, are nearly 130 per cent longer than the specialists feel is appropriate. Unfortunately, those who have overcome the stigma and have summoned the courage to go to their doctor about a mental health issue often are stigmatized further by having the challenge of trying to access help in a timely way.

Honourable senators, the Health Council of Canada was established to foster accountability and transparency by assessing progress in improving the quality, effectiveness and sustainability of the health care system. Their job is to report on the progress of wait-time strategies, among other things.

The Health Council of Canada has produced only one report on the issue of wait times in Canada. In 2007, they released *Wading Through Wait Times: What Do Meaningful Reductions and Guarantees Mean?* Currently, the strategic plan of the Health Council of Canada does not deal with wait times.

Part of the government's plan to help alleviate the strain on the health care system to better equip it to shorten patient wait times was the promise to increase the numbers of, and expand educational programs for, doctors, nurses and other health professionals. In 2008, the Conservatives promised to create

50 new residency spaces and to provide \$5 million to bring Canadian doctors trained abroad back to Canada. As of today, March 2011, only 15 new residency spots have been created. As for the strategy to bring Canadian doctors trained abroad home, we are still waiting to see that strategy.

What change to patient wait times has this government been able to promote over the past five years? According to the Fraser Institute's 2010 annual patient waiting list survey, province-wide wait times for surgical and other therapeutic treatments have increased in 2010. The average total waiting time nationwide between referral from a general practitioner and delivery of elective treatment by a specialist has risen from 16.1 weeks in 2009 to 18.2 weeks in 2010. Every province has shown an increase in waiting time periods.

The 2004 accord committed \$41 billion, with \$15 billion for a Wait Times Reduction Fund meant to assist existing provincial and territorial investments in their own wait-times reduction initiatives. The fund is to be used primarily for such things as training and hiring more health professionals, clearing backlogs, building capacity for regional centres of excellence and expanding appropriate ambulatory and community care programs and tools to manage wait times.

However, even with the promised increase in funds to build capacity and to help alleviate the strain on the system, the president of the Canadian Medical Association stated that the Ottawa Hospital alone had to cancel over 1,200 surgical procedures last year because there were no beds to serve the patients.

With \$41 billion committed to the 2004 Health Accord, where is the progress on those promises to shorten wait times across the country for those five priority areas? Where is the commitment to increase resources to help alleviate the strain on the system? Where is the plan to bring Canadian doctors overseas back home?

Canadians deserve an accountable government to follow through on their promises and report back to Canadians to ensure that tax dollars are put to good use and produce positive results.

Canadians should have timely access to the medical system, not timely access to a waiting list. Long wait lists often cause the side effects of anxiety and stress to the patient and their families.

• (1710)

Honourable senators, Canadians are not only waiting longer for medical procedures, they are also waiting too long for this government to follow through on its promises — just more instances of promises made, promises broken.

**Hon. Percy E. Downe:** Honourable senators, I would like to join the debate on Senator Cowan's inquiry on the current government and its record of broken promises. The Conservatives have made many promises to veterans and their families. Regrettably, after five years in government, these promises have gone unfulfilled, some even ignored. Let me provide a few examples.

The Veterans Independence Program, the VIP, was established in 1981 to, in the words of Veterans Affairs Canada website, “help clients remain healthy and independent in their homes or communities.” It provides funds for basic services such as snow removal and lawn mowing. Stephen Harper not only supported the VIP program, but he did not think it went far enough, making his position very clear when he stated in a letter that:

A Conservative Government would immediately extend the Veterans Independence Program services to the widows of all Second World War and Korean War veterans regardless of when the Veteran passed away or how long they had been receiving the benefit prior to passing away.

The most prominent figure in the struggle to hold this government accountable on its promises to veterans has been 84 year old Joyce Carter of Cape Breton, who received one of the letters signed by Stephen Harper. She summed up her disappointment, and her determination, when she confronted Prime Minister Harper outside the House of Commons in June 2007 and said:

There's no excuse for him not to keep his promise . . . I just want him to keep his promise.

So do all Canadians.

It has been almost four years since then and elderly veterans and their spouses are still asking when Prime Minister Harper will keep his word. A promise clearly made, but, unfortunately, clearly not kept.

Then there is the case of the Veterans Health Services Review. In 2005, Stephen Harper promised he would undertake a “complete review of veterans’ health care services to ensure they meet the needs of our veterans.” Once in office, the government boasted that it represented “one of the most extensive health services reviews ever undertaken at Veterans Affairs.” Such promises could not help but raise the hopes of veterans and their families.

On March 5, 2008, then Minister of Veterans Affairs Greg Thompson appeared before the Senate Subcommittee on Veterans Affairs and described the review as “pretty well completed.” That occasion, three years ago, was the last time a Minister of Veterans Affairs, or anyone in the government, has commented publicly about the Veterans Health Services Review. Three years later, the review has all but disappeared from the Veterans Affairs Canada website. If one asks the government whatever became of it, one is told that it is “protected information.” Not only can we not find any information about the review, we cannot even ask about it. Worse still, our veterans are still being denied the improved benefits from the review.

Honourable senators, this is another troubling example of the government refusing to follow the advice of Veterans Affairs employees to improve benefits for veterans and their families. A promise clearly made, but, unfortunately, clearly not kept.

Even more troubling is the record of this government when it comes to the unfulfilled commitment to address the discrepancy between the \$3,600-limit for veterans’ funerals and the \$12,700-limit for funeral and burial expenses for Canadian Forces members.

In response to a written request I tabled in the Senate dated March 2010, the Minister of Veterans Affairs stated:

The Veterans Affairs Canada Funeral and Burial program is currently being reviewed to ensure the level of support provided continues to allow a dignified funeral and burial.

Eight months later, at a meeting the Senate Subcommittee on Veterans Affairs, I questioned the lack of progress in resolving the issue and the minister had this to say:

You said that I had talked about that in March and that this matter has yet to be resolved. You are right. This brief was even drawn to my attention approximately a month ago, and I am the one who said that this was not the time to talk about this matter. . .

Honourable senators, now is most certainly the time for this government to accept the advice of Veterans Affairs Canada employees and increase the funeral expenses of our Canadian veterans.

**Some Hon. Senators:** Hear, hear.

**Senator Downe:** Not surprisingly, honourable senators, the Royal Canadian Legion has voiced long-standing concern about the slow pace of reforming this government’s policy with repeated resolutions at their conventions calling upon the government to “take necessary action to increase the Veterans Funeral and Burial program” to a level that is the same as that of Canadian Forces members.

Indeed, in 2010, the President of the Legion declared that her organization is “extremely concerned that this important issue being swept under the rug.” Unfortunately, the Legion’s concerns are justified, as the government has decided that it does not want to address this problem. This government owes Canadians an explanation as to when they think would be the time to talk about this matter. Veterans and their families cannot afford and should not have to wait any longer. A promise clearly made, but, unfortunately, clearly not kept.

Honourable senators, the worst example of this government’s failing to live up to its promises to veterans must be on the issue of Agent Orange. Prime Minister Harper made a promise to “stand up for full compensation for persons exposed to defoliant spraying during the period from 1956 to 1984.”

Senator LeBreton would be well aware of this promise because she was in the room in New Brunswick when Mr. Harper said those words. However, this government, led by Prime Minister Harper, announced a disappointing compensation package for those affected by the spraying of Agent Orange, offering payment only to those who served between 1966 and 1967.

In order to force the Prime Minister to honour his promise, these deserving Canadian veterans and their families have had to undertake a class action lawsuit at their own expense against the



full resources of the Government of Canada. Quite literally, to add insult to injury, it was disclosed last year that the federal government has spent \$7.8 million fighting veterans and their families in opposition to this lawsuit. The costly legal and delaying tactics of Prime Minister Harper's government has so far prevented this case from seeing the inside of a courtroom. A promise clearly made, but, unfortunately, clearly not kept.

Honourable senators, our veterans have done their jobs and met their responsibilities. It is the duty and responsibility of all Canadians to do our part in reminding this federal government that it must keep the promises made to the most deserving: the men and women who were willing to sacrifice their lives in service to Canada.

There is nothing stopping this government from keeping those many promises. Such measures would no doubt enjoy universal support in Parliament. Many of them do not even require the approval of Parliament. All that is required is the will to do so.

Canadians wonder when Prime Minister Harper will keep his promises to veterans and their families.

(On motion of Senator Tardif, for Senator Mitchell, debate adjourned.)

• (1720)

## THE SENATE

### MOTION TO URGE GOVERNMENT TO REVISE TWENTY DOLLAR BANKNOTE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Banks:

Whereas the \$5, \$10 and \$50 Canadian banknotes represent Sir Wilfrid Laurier, Sir John A. Macdonald and W.L. Mackenzie King respectively, and whereas each of these bills clearly mention in printed form their name, title and dates of function;

Whereas the 20\$ banknotes represent a portrait of H.M. Queen Elizabeth II but without her name or title;

The Senate recommends that the Bank of Canada add in printed form, under the portrait of Her Majesty, the name and title of H.M. Elizabeth II, Queen of Canada, to the next series of \$20 Canadian banknotes to be printed.

**Hon. Michael L. MacDonald:** Honourable senators, I am delighted to participate today in the debate on Senator Joyal's motion to revise the next series of \$20 banknotes produced by the Bank of Canada. Senator Joyal is an informed student of our country's history, is appreciative of Canada's governmental institutions and is quite knowledgeable about the role these institutions play in our nation's evolution. I thank him for his

perseverance in raising issues of this nature and applaud his initiative in bringing this matter to the attention of the Senate.

As Senator Joyal points out, all former prime ministers depicted on our paper currency have their name, office and their dates of service in addition to their portraits. Yet, Her Majesty Queen Elizabeth II, who has been the Queen of Canada since 1952, does not receive similar treatment on the \$20 banknote. Rather, she looks out from her most highly circulated currency as a semi-anonymous entity, certainly recognizable to most people because of station and longevity but undefined as to her exact institutional relationship to Canada. One would think there was some uncertainty as to how Her Majesty should be described.

Nothing could be further from the truth. Queen Elizabeth II is the Queen of Canada and Her Majesty's title is not some foreign imposition or colonial anachronism; it is a directive of the Parliament of Canada. Canada is an integral member of the Commonwealth realms as established at the 1953 Commonwealth Conference. Then Prime Minister St. Laurent stated at that conference:

It must be emphasized that the Queen is Queen of Canada, regardless of her sovereignty over other Commonwealth countries.

This position was clearly articulated in an act of the Canadian Parliament in 1953. It is the law, and we are a country with the rule of law. I stress this because it is important to remind honourable senators that Canada's relationship to the Crown is direct. It does not run through the Parliament at Westminster as it did when Canada was a collection of colonies evolving politically throughout the 18th and 19th centuries. Canada has been a legally independent since the Statute of Westminster was proclaimed in 1931. We are a parliamentary democracy with a constitutional monarchy and, I would suggest, a highly successful example of this form of government.

However, the inherent lesson is not merely about how the Crown is defined in Canadian law. Senator Joyal's motion serves to highlight how our history and political inheritance, in particular over the past half century, is being modified and rewritten as those in positions to influence such matters, whether elected or non-elected, either through indifference, subtle intent or outright revisionism engage in an exercise of airbrushing away those things that run counter to their own view of what Canada is or should be. The Crown in particular has been subjected to this treatment and the circumstance identified by Senator Joyal with the \$20 banknote is but one of many examples of this practice.

Admittedly, there is a wide spectrum of opinion in respect of the continuing presence of the Crown in Canada. Many Canadians today would be described best as being benignly ambivalent about the Crown and not overly enthusiastic, but not particularly hostile. I suggest that this is not necessarily a modern or post-modern phenomenon but, in fact, has long been the case in Canada. Canadians have a long-established system of government that works well. We are inherently conservative as it relates to our governance and we fundamentally understand that the Crown is part of that governance structure.

There are some in this country who would like us to become a republic. People who believe this have every right to promote their agenda and to endeavour to convince the country that it would be

the right course of action. Although this is not a sentiment that I share, this is a legitimate point of view and worthy of debate. Republicans would prefer to remove Her Majesty from our currency altogether and they would alter completely our institutional structures. Although it is not broken, they would still fix it. Republicans believe that our system of government is inherently colonial and that our relationship to the Crown is one of dependence and subservience.

This is faulty reasoning in my opinion. Whatever advantages might accrue to Canada becoming a republic, independence is certainly not one of them; our independence has long been established. Fortunately for the republicans, there is a formula in place with which they can pursue their goal. It was inserted into the Constitution Act, 1982. They have only to get every provincial legislature in the country, the House of Commons, the Senate and the Supreme Court of Canada to agree to abolish the Crown. In short, complete unanimity across the country on the issue is all they require. Perhaps over time the republicans can accomplish this feat. Realistically, our constitutional requirements make such a development a remote possibility at best. At the very least, it would appear to be a mathematical improbability.

In fairness, I should point out that republicans are not the only ones who wish to alter Canada's constitutional relationship with the Crown. There are others who would keep our institutions primarily intact but make the Governor General Canada's head of state. This is theoretically achievable but, again, is subject to the aforementioned conditions laid out in the Constitution Act, 1982.

My issue with the republicans and others is not the certain principles they espouse; they have every right to advocate their position in a free and democratic society. However, I have a serious problem with the subjective mindset of these groups and I will highlight two of their more egregious practices. When they argue against the presence of the Crown, they seem to know so little about it both in terms of its actual evolution as an institution and in particular its influence in the development of Canada. Their viewpoint is consistently narrow and predictable, often drawn through some ethnic prism that presupposes they are obliged to have some preordained disposition towards the Crown according to their family background or the circumstances of their birth. One of their repetitive mantras is that we should not have to put up with an English Monarch as our head of state.

In principle, I have sympathy for this position, but since the last truly English Monarch was Harold II, the last Wessex King of England who was defeated and killed at the Battle of Hastings in 1066 by the Norman French under William the Conqueror, this would not appear to be much of a contemporary concern. The Norman Conquest fundamentally changed the Crown and Great Britain, establishing French, under the Normans and the Plantagenets, as the language of the court and the law for almost three centuries and giving Norman nobles titles, land and unparalleled influence throughout the British Isles. Their reach was enormous and their influence was lasting. What we refer to today as Parliament, began during this era.

The Normans remade the English Crown into a European Crown that has endured in one incarnation or another since that time. The most notable royal houses of Scotland, the Bruces and

the Stuarts, were descended from Norman ancestors, with the Stuarts creating the throne of the United Kingdom in the early 17th century when James VI of Scotland became James I of England. Before the 17th century was out, there occurred the so-called Glorious Revolution, which was neither glorious nor a revolution but a power grab designed to exclude Catholics from the throne. Westminster stripped the Crown of most of its remaining powers and, after jumping 52 places in the succession to find a Protestant successor, it placed the Hanoverians on the throne. It was believed universally that the Hanovers were German, although the line was originally Italian. The argument then that the Canadian Crown is an English throne is erroneous, a misplaced sentiment and the product of uninformed opinion and inadequate educational instruction.

• (1730)

I can forgive republicans and opponents of the Crown for lacking in knowledge, but I will hold them to account for the practice of subterfuge and of attempting to accomplish by stealth those things they cannot accomplish by law. They assume they can ignore the law, they are above the law or can alter its interpretation to whatever suits themselves. This is a particularly offensive conceit and this subversion has become far too commonplace within certain offices in the Government of Canada.

The examples of this are everywhere. It is not acceptable for officials in Heritage Canada and Government House to be actively involved in removing all references to the Crown from the Governor General's website. It is not acceptable that a Governor General can declare that office to be the head of state while the officials responsible for managing and advising this office remain mute and complicit in the face of these misrepresentations. We are a parliamentary democracy and a constitutional monarchy by law. Until such time as the law is changed, all Canadians should expect and indeed require that the law be respected by all with regard to the position and the role of the Crown.

The other historical aspect that the republicans ignored is the role that the Crown played in the establishment of Canada. When the American Revolution began, there were 15 British colonies in the eastern mainland of North America, but 2 of them, Nova Scotia and Quebec, refused to participate. The die had been cast and when nearly 80,000 Loyalists came north in 1783-84, it resulted in the creation of the Province of New Brunswick and later the establishment of Lower and Upper Canada as the loyal colonies marched on to achieve responsible government.

Canada's political development is an integral part of our identity and the Crown has always been present in that identity and that of our political institutions. This inheritance still exists today. Last June I was present when Her Majesty cut the ribbon in Halifax to rededicate the restoration of Government House in Nova Scotia. The American ambassador to Canada and his wife were attending. They were both quite animated and excited about the event, mentioning how interesting it was that Canada had retained the Crown, how different it made us from the U.S. and that it was something distinctive to Canada in North America.

A few days later, I attended the July 1 celebrations on Parliament Hill. My efforts to watch the proceedings from my office were thwarted by the crush of people attending the



event. Full of anticipation but not necessarily patience, the crowd surrounding me was composed of those of every age and background, fully representative of modern Canada and quite excited about the arrival of Her Majesty to the country's birthday celebrations. It was the largest attendance ever for a Canada Day celebration in Ottawa.

The Crown and our system of government is the one thing that has always distinguished us and separates us from the Americans. That distinction came through loud and clear at both of these events.

However, although I support the Crown as an institution, I do not consider it above criticism or beyond improvement — far from it. I previously mentioned the anti-Catholic sentiment that was so pervasive and enshrined in law a few centuries ago. At present there is a debate in Westminster over the provisions of the Act of Settlement of 1701.

I believe it is high time that we discuss the Act of Settlement in this country. Among other things, this act not only requires that the monarch be the head of the Church of England but states that anybody in line for the throne who marries a Catholic forfeits his or her place in the line of succession. Apparently, they can marry a Hindu, a Buddhist, a Muslim, a Confucian, a Quaker, a Jew, a Christian Scientist, a Wiccan, a druid, an agnostic or an atheist and give up nothing. However, they cannot be nor can they marry a Catholic.

**Some Hon. Senators:** Oh, oh.

**An Hon. Senator:** Off with their heads!

**Senator MacDonald:** This is a remnant of the religious intolerance that ran wild throughout Europe in the 17th and 18th centuries. At that time, Catholics throughout Britain and the empire were subjected to a series of penal laws, commonly known as the Test Acts. These acts deliberately marginalized, impoverished and persecuted Catholics, making it almost impossible for them to own land or hold public office.

The anti-Catholic provision in the Act of Settlement is the only remaining example of these disgraceful pieces of legislation. It is essential to remember that this religious test is not a creation of the Crown but an act of Parliament imposed on the Crown.

This brings to mind a public debate that received some attention not long ago in the city of Ottawa, a discussion that reveals once again how sloppy people can be with our history, even with the noblest of intentions. Honourable senators will recall suggestions that Wellington Street should be renamed in honour of Sir John A. Macdonald. It was argued that it was a more appropriate name than that of someone who had no connection to Canada.

It is interesting that while the many colonial figures have had their names commemorated multiple times across the country, the only thing named after the Duke of Wellington in Canada is the street that fronts Parliament Hill. As a Canadian, a Conservative and, yes, a MacDonald, I have no issue with giving Sir John A.

the credit he so richly deserves. His role in the establishment of Canada eclipses all others of his generation.

However, those who see the Duke of Wellington as nothing more than a soldier misses his significance to Canada. Yes, he was a great military leader, having fought in over 60 military campaigns, culminating in his victory at Waterloo over Napoleon in 1815. Arthur Wellesley, the Duke of Wellington, was also a parliamentarian, an Anglo-Irishman who sat in the Irish House of Commons as a young man and, following his magnificent military career, was elected to the British House of Commons, serving twice as prime minister beginning first in 1828.

During his first term as prime minister and over the objections and strenuous opposition of the House of Lords, King George IV and some in his own party, he passed the Catholic Relief Act of 1829. Thankfully, Wellington threatened to quit if the old establishment blocked his legislation and his reputation was so unassailable that they did not dare challenge him. This act removed all remaining legal impediments against Catholics throughout the British Empire, including the right to be elected to a legislature without taking an oath in which they would have to essentially renounce their religion.

**The Hon. the Speaker *pro tempore*:** I regret to advise the honourable senator that his time has expired. Does the honourable senator wish to ask for more time?

**Senator MacDonald:** Five more minutes, please.

**Senator Comeau:** That is fine.

**Senator MacDonald:** It should be noted that until that time, the first and only place in the British Empire where Catholics have been free to practice their religion without penalty was in the British colony of Quebec, since all Catholics domiciled in Quebec — the overwhelming majority of the people — had, since 1774, received the full protection of the laws contained in the Quebec Act.

This was not the case in Nova Scotia or the rest of the empire. Lawrence Kavanagh of St. Peters, Cape Breton, was elected to the Nova Scotia legislature in 1823, becoming the first Catholic to be elected throughout the old empire at that time. However, he could and did not take his seat until 1829, when Wellington passed the Catholic Relief Act.

Wellington's leadership emancipated Catholics and for that reason alone he deserves the small recognition in Canada he receives with the existence of that one street. Those who would casually remove his name do not do so out of malice, but because they are unfamiliar of the role he played during his day and unappreciative of the true significance of his contribution to Canada.

It is this ignorance of our history that Senator Joyal holds up against the light with his motion on the \$20 bill. That is why it is so important to support Senator Joyal's efforts in this matter. If anything, not only should we reaffirm the role of the Crown on the \$20 bill, we should firmly embrace the institution and make it clear that Canadians have a say in its evolution.

I trust that in the near future we can assert this commitment with a thorough debate on the Act of Settlement in our Parliament and make it clear to the other Commonwealth realms that the anti-Catholic legacy explicit in its provisions should be addressed and eliminated.

To those who think the act is of little consequence, I point out that in 2007 Her Majesty's oldest grandchild Peter Phillips married Autumn Kelly of Montreal. They now have a daughter with dual citizenship, the Queen's first great-grandchild, the closest Canadian ever to the line of succession. However, Ms. Kelly was required to abandon her religion in order for her husband to keep his place in the line of succession. Surely, this is completely unacceptable and is another area in which we can provide the leadership necessary to address and correct old wrongs that need to be righted.

• (1740)

The Senate has an important role to play in protecting the political inheritance of our country, and Senator Joyal's intervention provides all of us with the opportunity to do just that. When all honourable senators first enter this chamber, we swear an oath to the Crown. If we sit silent while others undermine the Crown, we undermine ourselves.

I support Senator Joyal's motion to instruct the Bank of Canada to include Her Majesty's title with the next series of \$20 notes, and I sincerely urge all honourable senators to support it as well.

**Hon. Percy E. Downe:** Will Senator MacDonald take a question?

**Senator MacDonald:** Certainly.

**Senator Downe:** In his wonderful speech, Senator MacDonald correctly pointed out a major flaw in the Act of Settlement. On International Women's Day, it is important to point out the second major flaw in that, which is that males supersede females in the line of succession — which is the second part the British government hopes to change.

I am wondering why we are stuck in this pattern in this country where all our currency has on it the monarchy or former politicians, and almost all our buildings paid for by all taxpayers that are federal government buildings across Canada are named almost exclusively after former politicians, and almost always men, because there were very few women participating in politics until recent years.

All Canadians pay taxes. Why do we not name buildings and why do we not put on our currency people who are Canadian heroes — Terry Fox comes to mind, or Georgina Pope. There is a statue of Ms. Pope on the street in front of the Chateau Laurier; she is a war hero. Should these people not be considered as well?

**Senator MacDonald:** I do not take any issue with anything the honourable senator has said. I am sure there are many worthy Canadians who could be adorning our bills, coins or government buildings.

In terms of the workings inside the Bank of Canada, I have no great insight on that. However, I, for one, would certainly be open to any suggestion along those lines. I support the honourable senator.

**Hon. Roméo Antonius Dallaire:** Honourable senators, Canadians have fought under the Crown overseas and participated in defending the realm since the Boer War, to start in the more modern era.

The males of the Royal Family, by tradition, join the military and perform military service as an example to the nation of the sacrifice and the potential risk of serving. It is also interesting that they always go to Sandhurst to do their military service.

Does the honourable senator not think it would be time that one of their generation come to the Royal Military College to do their service here, as part of the role of the Queen as the Queen of Canada?

**Senator MacDonald:** I think that is a wonderful suggestion, one that I would certainly encourage and support. If the Crown is to continue to be seen to be relevant, members of the royal family must be active in all areas of the Commonwealth. Again, I take no issue with that suggestion whatsoever.

**The Hon. the Speaker:** Further debate?

Are honourable senators ready for the question?

**An Hon. Senator:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

## THE SENATE

### MOTION TO RECOGNIZE THE ONE HUNDREDTH ANNIVERSARY OF INTERNATIONAL WOMEN'S DAY ADOPTED

**Hon. Linda Frum,** pursuant to notice of March 2, 2011, moved:

That the Senate recognize the 100th anniversary of International Women's Day and reconfirm its commitment to the Charter's principles of equality and fairness for women and girls in Canada.

She said: Honourable senators, by putting forward this motion, it gives me great pleasure to acknowledge the one-hundredth anniversary of International Women's Day. In 1910, in Copenhagen, the idea of celebrating a special day for women was created during an international conference of working women. The inaugural International Women's Day was launched the following year in Austria, Denmark, Germany and Switzerland.



One hundred years later, this day has grown into an international phenomenon. In some countries, it is an official holiday. In other countries, it is a day to exchange flowers and gifts. In our corner of the globe, it is a day to mark the economic, political and social achievements of women.

This week will see thousands of commemorative events held all over the world, including in Canada. As one example, I know that many honourable senators today attended a special luncheon in Ottawa co-chaired by Maureen McTeer in support of the White Ribbon Alliance for Safe Motherhood and the Canadian Foundation for Women's Health.

In Canada and other developed countries, International Women's Day is a day when we stop to remember and appreciate the struggles of our maternal forbearers to achieve full equality for women. In Canada and throughout the Western world, women and girls live in freedom, enjoying equal and full democratic rights enshrined by law.

Women of my generation owe much to the generations who came before us in breaking down the barriers to equality. International Women's Day is a good day for us to remember and to say thank you.

However, today is also a good day for us to remember that there are too many other countries around the world where women do not enjoy the freedoms that are their right. They live in fear, repression and domination. They are subject to rape as a weapon of war, or are denied such basic human rights as the right not to be mutilated at birth, the right to marry whom they choose, the right to freedom of expression by dressing as they please and the right to an education.

Honourable senators, I ask you to join with me today in supporting this motion that celebrates the achievements and accomplishments of Canadian women and girls, but also lets us express our sorrow and anger over the millions of women and girls around the world who do not enjoy the freedoms they deserve and which are so unjustly and so cruelly withheld from them.

On this important centenary anniversary, we would do well to pass this motion today and not let this anniversary go unmarked and unnoticed by this chamber on this very significant date.

**Hon. Senators:** Hear, hear!

**Hon. Jane Cordy:** Honourable senators, I would like to thank the honourable senator for her motion that the Senate of Canada recognize the one-hundredth anniversary of International Women's Day, and I would like to speak on this and support her motion.

Today we celebrate International Women's Day. What is more, this year marks the one hundredth anniversary that we, as an international community, set aside a day to recognize the tremendous work and many achievements of women the world over. This recognition comes indifferent of national, ethnic, linguistic, cultural, economic or political differences.

It is one career all females have in common — being a woman — no matter how many other careers we have had or wanted. Women who currently sit in the Senate, I am sure, are grateful today of all days to those who have paved the way for us; namely, the Famous Five, as well as Cairine Wilson, the first woman appointed to the Senate in 1930.

While we send our prayers and condolences to New Zealand for the suffering their country is currently undergoing due to the devastating earthquake that struck them weeks ago, today we can applaud them for being the first self-governing nation to extend the right to vote to all adult women in the year 1893.

Each year, the United Nations and individual countries adopt a theme for International Women's Day. The theme adopted by our Canadian government for 2011 is "Girls' Rights Matter." This theme encourages the development and security of girls in Canada and around the globe. I am hopeful that on this day next year, we can reflect and report on the many advances toward this particular goal.

Last year's theme was "Strong Women, Strong Canada, Strong World," meant to encourage more women and girls into leadership roles. We have 67 women in the House of Commons and 37 women in the Senate. We can also look to the provinces. There are currently over a dozen women in this country leading provincial parties or vying for leadership. Both British Columbia and Newfoundland and Labrador have women premiers. In her province of Prince Edward Island, our own Catherine Callbeck was the first elected female premier in Canadian history.

• (1750)

**Some Hon. Senators:** Hear, hear!

**Senator Cordy:** It is my hope that because of the precedents set by these women, the new generation of young women will continue to grow, to dream, to dare and to achieve in all their endeavours, without giving a thought to gender boundaries.

As we reflect today, let us not only celebrate all that has been achieved, but let us also look ahead and hold it as a standard against all that we have yet to accomplish. Please join me, honourable senators, in celebration today and take a moment to recognize and to honour the special women in our lives.

**Some Hon. Senators:** Hear, hear!

**Hon. Nancy Ruth:** Honourable senators, today is the centenary of International Women's Day. It comes at a remarkable point in history, when women in the Middle East are poised to make significant equality and political gains. We need to support them in every way we can.

In Egypt, in particular, we have all watched with great interest the occupation of Egypt's public spaces by millions of protesters calling for fundamental change. Canadians could not fail to notice that the popular revolutions in Egypt and Tunisia, and to a degree even in Yemen and Bahrain, are the work of women and men. At least a quarter of the protesters who filled Tahrir Square every day were women, this in spite of the fact that these are historically male-dominated spaces where sexual harassment has been the norm.

Today, on International Women's Day, hundreds of thousands of women in Egypt are again back in the streets. Why? The answer is simple: They are marching for political gains and true equality for women and girls, for the revolution to have due regard for them.

It is worth noting that the committee of eight legal experts appointed by the military authorities to revise Egypt's constitution did not include a single woman — there are many women in Egypt qualified to fill this role — nor, according to Egyptian women, does the group include anyone with a gender-sensitive perspective.

Time is short to get things right for women, as there will be a national referendum on March 19 on proposed constitutional amendments. None of the amendments published to date remedy the exclusion of women from Egypt's political life.

Honourable senators, I urge members of the Senate and of the other house to support the women of Egypt in any way we can and to support the Egyptian organizations that are demanding that equality for women be enshrined as the country remakes itself.

Honourable senators, I urge the Government of Canada to make it clear to the Government of Egypt that ongoing Canadian support and engagement in Egypt is conditional on constitutional and substantive equality for women, as well as meaningful political access and participation by women.

Women in Canada had to fight for these same rights here, and we know that they are essential. Women in Egypt have fought for a new Egypt, and the new Egypt, as well as all those who support it, must hear and respect those women's voices.

[Translation]

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I too would like to congratulate Senator Frum on this motion, which I fully support.

In her message today, the Chair of the New Brunswick Advisory Council on the Status of Women told us to make ourselves heard by speaking from experience. Young women and girls in Canada enjoy certain rights today thanks to their grandmothers who worked very hard to that end. I remember myself of 40 years ago.

Ms. Hambrook told us, "Celebrate International Women's Day on March 8 and speak up every day." While it is true that we have equal rights, we have not yet achieved equality. Women earn an average salary of \$39,400, while men earn an average salary of \$50,000 or more.

We must continue the dialogue. We must continue asking questions. We must bring forward other initiatives and other projects to achieve this equity and equality. I congratulate the senator and I support this motion.

[English]

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, as we celebrate the one-hundredth anniversary of International Women's Day, I would like to put on the record that four of our current Senate colleagues, as well as a former colleague, will be recognized at an event in Ottawa. The event has been organized by Equal Voice, a group that is dedicated to getting more women involved in Canadian politics.

The event, entitled "Leveraging Women's Leadership for the 21st Century: Changing the Game," will honour Senator Marjory LeBreton, Senator Catherine Callbeck, Senator Lucie Pépin, Senator Elaine McCoy and former Senator Pat Carney. To all these worthy recipients, we offer our most sincere congratulations. They have acted as trailblazers and as role models in each of their respective domains.

[Translation]

**Hon. Jacques Demers:** Honourable senators, I would like to thank Senator Frum.

[English]

A great mother and a great wife.

I needed some help from Senator Champagne. Ten years ago, I could not have written this, and I am so proud of myself. Thank you for accepting me.

This is for all beautiful women, and it includes every woman in this chamber. I would like to honour my mother, who was a battered person and who unfortunately died at the age of 42. This is for my great mother, whom I loved so much.

[Translation]

I am the father of three daughters, the husband of 27 years to Deborah, the grandfather of three granddaughters and the son of a mother I loved and admired greatly.

Having seen and heard my alcoholic father repeatedly abuse my dear mother both mentally and physically, I became a women's advocate.

It is inhuman and impossible to accept, and I was just a little boy. I have a lot of respect and admiration for women. Women today have made a lot of progress in the business world and in everyday life. They have become — in my case anyway, because I have three extraordinary daughters who are married and have children — role models in our society now more than ever.

When I woke up this morning, I thought about Senator Boisvenu and how difficult this must be. I lost my mother and I think of her quite often. Losing two daughters, including one under very difficult circumstances, must be unimaginable. I am also thinking of Senator Cools who has defended women's rights.



[English]

Senator Meredith, who in Toronto is always willing to help out young men and, certainly more important, young women, who are taken advantage of at the age of 14 and 15.

[Translation]

I find it hard to believe that, in 2011, there are still men today who have no respect for women. Many women in everyday life perform miracles by giving birth to children. We forget that

women create and perform miracles. The birth of a child is a miracle. Celebrate this day, ladies, and thank you for listening.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Wednesday, March 9, 2011 at 1:30 p.m.)

---

# CONTENTS

Tuesday, March 8, 2011

|  | PAGE |   | PAGE |
|--|------|---|------|
| <b>SENATORS' STATEMENTS</b>                                  |      | <b>Human Resources and Skills Development</b>               |      |
| <b>Visitors in the Gallery</b>                               |      | Child Care Services.  |      |
| The Hon. the Speaker. . . . .                                | 1937 | Hon. Lucie Pépin . . . . .                                  | 1945 |
| <b>Tributes</b>  |      | Hon. Marjory LeBreton . . . . .                             | 1946 |
| The Late Honourable Keith D. Davey, O.C..                    |      | <b>Status of Women</b>                                      |      |
| Hon. James S. Cowan. . . . .                                 | 1937 | Violence against Women and Girls.                           |      |
| Hon. Lowell Murray . . . . .                                 | 1938 | Hon. Pierre De Bané . . . . .                               | 1946 |
| Hon. David P. Smith . . . . .                                | 1938 | Hon. Marjory LeBreton . . . . .                             | 1946 |
| Hon. Elaine McCoy . . . . .                                  | 1938 | <b>Delayed Answer to Oral Question</b>                      |      |
| Hon. Hugh Segal . . . . .                                    | 1939 | Hon. Gerald J. Comeau . . . . .                             | 1947 |
| Hon. Sharon Carstairs . . . . .                              | 1939 | <b>Foreign Affairs</b>                                      |      |
| Hon. Art Eggleton . . . . .                                  | 1940 | Ivory Coast—Actions of Belarus Government                   |      |
| <b>Visitor in the Gallery</b>                                |      | Question by Senator Segal.                                  |      |
| The Hon. the Speaker. . . . .                                | 1940 | Hon. Gerald J. Comeau (Delayed Answer) . . . . .            | 1947 |
| <b>Canada's Energy Future</b>                                |      |   |      |
| Hon. Fred J. Dickson . . . . .                               | 1940 | <b>ORDERS OF THE DAY</b>                                    |      |
| <b>Colorectal Cancer Awareness Month and Nutrition Month</b> |      | <b>Criminal Code (Bill C-21)</b>                            |      |
| Hon. Doug Finley . . . . .                                   | 1941 | Bill to Amend—Seventeenth Report of Legal and               |      |
| <b>Canada's Energy Future</b>                                |      | Constitutional Affairs Committee Presented.                 |      |
| Hon. Daniel Lang . . . . .                                   | 1941 | Hon. Joan Fraser . . . . .                                  | 1947 |
| <b>ROUTINE PROCEEDINGS</b>                                   |      | <b>Criminal Code</b>  |      |
| <b>Agriculture and Forestry</b>                              |      | <b>National Defence Act (Bill C-48)</b>                     |      |
| Notice of Motion to Authorize Committee to Extend Date       |      | Third Reading.  |      |
| of Final Report on Study of Current State and Future         |      | Hon. Daniel Lang . . . . .                                  | 1947 |
| of Forest Sector.  |      | <b>Keeping Canadians Safe Bill (Bill S-13)</b>              |      |
| Hon. Percy Mockler . . . . .                                 | 1942 | Third Reading—Debate Adjourned.                             |      |
| <b>The Senate</b>  |      | Hon. Gerald J. Comeau . . . . .                             | 1948 |
| Notice of Motion to Urge Government to Ask the United        |      | Hon. Fabian Manning . . . . .                               | 1948 |
| Nations to End the Ivory Coast Conflict.                     |      | Motion in Amendment.  |      |
| Hon. Roméo Antonius Dallaire . . . . .                       | 1942 | Hon. Fabian Manning . . . . .                               | 1949 |
|  |      | Hon. Joseph A. Day. . . . .                                 | 1949 |
|  |      | Hon. Gerald J. Comeau . . . . .                             | 1950 |
|  |      | Hon. Roméo Antonius Dallaire . . . . .                      | 1950 |
| <b>QUESTION PERIOD</b>                                       |      | <b>Corrections and Conditional Release Act (Bill C-59)</b>  |      |
| <b>Human Resources and Skills Development</b>                |      | Bill to Amend—Second Reading—Debate Continued.              |      |
| Canada Pension Plan—Guaranteed Income Supplement—            |      | Hon. George Baker . . . . .                                 | 1951 |
| Caregiver Provisions.  |      | Hon. Bob Runciman . . . . .                                 | 1953 |
| Hon. Sharon Carstairs . . . . .                              | 1942 | <b>Aeronautics Act (Bill C-42)</b>                          |      |
| Hon. Marjory LeBreton . . . . .                              | 1942 | Bill to Amend—Second Reading—Debate Adjourned.              |      |
| <b>Status of Women</b>                                       |      | Hon. Michael L. MacDonald . . . . .                         | 1954 |
| Diversity and Equality.                                      |      | Hon. Tommy Banks . . . . .                                  | 1955 |
| Hon. Céline Hervieux-Payette . . . . .                       | 1943 | <b>Bill Respecting the Reorganization and Privatization</b> |      |
| Hon. Marjory LeBreton . . . . .                              | 1943 | <b>of Atomic Energy of Canada Limited (Bill S-225)</b>      |      |
| <b>Indian Affairs and Northern Development</b>               |      | Second Reading.   |      |
| Missing and Murdered Aboriginal Women.                       |      | Hon. Bob Runciman . . . . .                                 | 1955 |
| Hon. Lillian Eva Dyck . . . . .                              | 1944 | Referred to Committee . . . . .                             | 1957 |
| Hon. Marjory LeBreton . . . . .                              | 1944 | <b>National Day of Service Bill (Bill S-209)</b>            |      |
| <b>Finance</b>   |      | Second Reading . . . . .                                    | 1957 |
| Gender-Based Analysis.                                       |      | Referred to Committee . . . . .                             | 1957 |
| Hon. Rose-Marie Losier-Cool . . . . .                        | 1945 | <b>Income Tax Act (Bill C-288)</b>                          |      |
| Hon. Marjory LeBreton . . . . .                              | 1945 | Bill to Amend—Second Reading.                               |      |
|  |      | Hon. Fred J. Dickson . . . . .                              | 1957 |
|  |      | Hon. Fernand Robichaud . . . . .                            | 1960 |
|  |      | Referred to Committee . . . . .                             | 1960 |



|   | PAGE |
|---|------|
| <b>National Holocaust Monument Bill (Bill C-442)</b>                                  |      |
| Second Reading—Debate Continued.  |      |
| Hon. Joan Fraser . . . . .  | 1960 |
| <b>Study on Issues Related to National and International Human Rights Obligations</b> |      |
| Fourth Report Human Rights Committee—Debate Continued.                                |      |
| Hon. Claudette Tardif . . . . .   | 1961 |
| <b>Government Promises</b>  |      |
| Inquiry—Debate Continued.   |      |
| Hon. Jane Cordy . . . . .   | 1961 |
| Hon. Percy E. Downe . . . . .   | 1962 |

|   | PAGE |
|---|------|
| <b>The Senate</b>   |      |
| Motion to Urge Government to Revise Twenty Dollar Banknote Adopted.                     |      |
| Hon. Michael L. MacDonald . . . . .   | 1964 |
| Hon. Percy E. Downe . . . . .   | 1967 |
| Hon. Roméo Antonius Dallaire . . . . .  | 1967 |
| <b>The Senate</b>   |      |
| Motion to Recognize the One Hundredth Anniversary of International Women's Day Adopted. |      |
| Hon. Linda Frum . . . . .   | 1967 |
| Hon. Jane Cordy . . . . .   | 1968 |
| Hon. Nancy Ruth . . . . .   | 1968 |
| Hon. Rose-Marie Losier-Cool . . . . .   | 1969 |
| Hon. Claudette Tardif . . . . .   | 1969 |
| Hon. Jacques Demers . . . . .   | 1969 |







*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5





CANADA



# Debates of the Senate

---

3rd SESSION

•

40th PARLIAMENT

•

VOLUME 147

•

NUMBER 93

---

OFFICIAL REPORT  
(HANSARD)

Wednesday, March 9, 2011



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Wednesday, March 9, 2011

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[Translation]

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Lieutenant-Colonel Gisèle Fontaine, the Commanding Officer of the Canadian Forces Health Services Centre Ottawa; Lieutenant-Colonel Michel Deilgat, the National Capital Region Surgeon; and Chief Petty Officer 2nd class Mario Richard, the Clinic Sergeant-Major of the Canadian Forces Health Services Centre Ottawa. They are guests of the Honourable Senator Boisvenu.

On behalf of all senators, welcome to the Senate of Canada.

**Hon. Senators:** Hear, hear!

## SENATORS' STATEMENTS

### UNIVERSITY OF LETHBRIDGE

#### SUPPORT PROGRAM FOR ABORIGINAL NURSING STUDENTS

**Hon. Grant Mitchell:** Honourable senators, today I have the pleasure of speaking about an excellent program at the University of Lethbridge, the Support Program for Aboriginal Nursing Students, known as SPANS.

The primary objective of SPANS is to recruit Aboriginal students who have the abilities and interests suitable to a nursing career. SPANS gives them the support they need to complete their studies and obtain a bachelor's degree in nursing from the University of Lethbridge.

This program is unique in many ways. It includes a one-year transition program to help students meet the entrance requirements for the nursing program. This program also gives Blackfoot elders a place in discussions with students about nursing and health care.

Aboriginal students can also take advantage of a mentorship program with registered nurses who work in the Blackfoot Confederacy.

Furthermore, students have access to designated infrastructure and staff, including an academic coordinator and an administrative assistant.

The program has recently expanded and is now open to students enrolled in the public health and addictions counselling programs.

The success of the program is also based on the opportunity for students to complete their clinical placements in their communities, on reserves, and thus become role models for other members of their communities.

Honourable senators, I encourage you to join me in congratulating the students and staff of the Support Program for Aboriginal Nursing Students at the University of Lethbridge. They are participating in an innovative and visionary project that will benefit Inuit, Metis and First Nations communities across Canada for a long time to come.

[English]

### RESULTS CANADA

**Hon. Jim Munson:** Honourable senators, for a week in late February, I visited Ethiopia with a parliamentary delegation hosted by RESULTS Canada: a grassroots advocacy organization working to generate public and political action to end hunger and the worst aspects of poverty. The honourable members of Parliament, Dean Allison — who is a good friend when one is on the road — and Bernard Patry participated in this profound educational journey.

Ethiopia is the second most populous nation in Africa, and one of the poorest. Those living in such extreme poverty lack adequate food, clean water and medicine. UNICEF estimates that one out of every 20 children born in Ethiopia dies in the first month of life, while one out of six Ethiopian children dies before the age of five.

It is one thing to hear such disturbing statistics, but quite another to look into the faces of the human beings behind the data.

I have lived in Asia and Europe; I have covered news events in many parts of the world and seen tragedy close up. However, this trip was different. Our delegation saw the utter absence of sanitation. We saw people in villages and urban clinics dying of tuberculosis, HIV/AIDS and malaria. Incredibly, though, out of this bleakness, hope shone through.

• (1340)

Everywhere, Ethiopians were helping Ethiopians. We met villagers who proudly showed us a latrine and rudimentary shower stall they had built, and their plastic water bottle for hand washing. We met women running businesses with the support of micro-financing and banking. We met women who had given money to women in other neighbourhoods to start businesses. . We met surrogate Ethiopian mothers who were feeding and caring for orphans. We met health extension workers providing services in their own villages. There are 35,000 health workers in Ethiopia. One Ethiopian doctor said to me, "We always have to try."



I believe the situation we saw in the Gandhi Hospital in Addis Ababa sums up the necessary perspective. In one room, a premature baby in an incubator lay dying, yet other babies throughout the hospital would become strong and survive.

Honourable senators, RESULTS Canada has given me a new appreciation of how real advocacy works. The organization lobbies, conducts letter-writing campaigns, meets, argues and cajoles to ensure that Canada spends its money on the right projects. It does not matter if the projects are implemented through CIDA, UNICEF or any other organization; it is about the strength and appropriateness of the projects.

Honourable senators, it was a privilege to take this journey. The delegation travelled a long way, but what a gift it was to witness hope and betterment in such a context. I have returned home inspired.

### WORLD GLAUCOMA WEEK

**Hon. Elizabeth (Beth) Marshall:** Honourable senators, this week marks World Glaucoma Week. Known as the “silent blinding disease” or the “sneak thief of sight,” glaucoma robs people’s eyesight gradually as it worsens over prolonged periods of time. Glaucoma is the second leading cause of blindness in the world, next to cataracts.

Glaucoma progressively damages the optic nerve until eventually the eye is unable to carry visual information to our brains. It is caused by increased intraocular pressure, also known as IOP. This pressure will either cause a malformation or malfunction of the eye’s drainage structure.

Some forms of glaucoma can be congenital, forming at birth or in childhood, but most cases develop during an individual’s forties. The occurrence of this form of blindness increases with age. In the early stages of disease, there may be no symptoms. Experts estimate that one-half of the people affected by glaucoma may not know they have it. When symptoms such as tunnel vision, blurriness or loss of reading vision are experienced, it may already be too late.

Honourable senators, there are almost 5 million people who are afflicted with this degenerative disease globally, but it is expected that over 11 million people will be afflicted by 2020. This means the number will more than double in less than a decade. In Canada today, about 250,000 people have glaucoma. Glaucoma affects 1 in 200 people aged 50 and younger and 1 in 10 people over the age of 80.

Honourable senators, we take for granted our sense of sight. Only when we lose it or it worsens do we realize how crucial sight is in leading independent lives. Fortunately, there have been breakthrough medical advances in recent years. Improved screening procedures, surgery and laser treatment options, as well as medication, have all helped to halt or slow the degenerative process of glaucoma.

Honourable senators, glaucoma is not a selective disease, as it does not differentiate between male and female — both are susceptible. Early detection is vital since this disease is

irreversible; once our sight is gone, it is gone. With the forecasted numbers and with glaucoma going undetected and untreated, we may be in for a rude awakening in the years to come.

I urge honourable senators to pay attention to your eyes during World Glaucoma Week and I urge you to have regular eye exams.

### INTER-PARLIAMENTARY UNION

#### PARLIAMENTARY CONFERENCE ON THE WORLD TRADE ORGANIZATION

**Hon. Donald H. Oliver:** Honourable senators, I rise today to call your attention to the upcoming 2011 session of the Parliamentary Conference on the World Trade Organization. The WTO remains the cornerstone of the multilateral trading system through which trade rules are negotiated and enforced.

The Inter-Parliamentary Union and the European Parliament have been jointly organizing and hosting this annual conference since 2001. The principal objective of the conference is to strengthen democracy at the international level by bringing a parliamentary dimension to multilateral cooperation on trade issues.

Parliamentarians from around the world who specialize in matters of international trade will converge in Geneva on March 21 for the two-day conference. It is the first time in 10 years that the conference will take place at the WTO headquarters. I am honoured to have been appointed by Inter-Parliamentary Union President Theo-Ben Gurirab to chair the IPU delegation at the Parliamentary Conference on the WTO. As President Gurirab writes:

The conference has amply proven its worth as a global forum on trade and development where parliamentarians from industrialized and developed countries can dialogue on an equal footing.

Honourable senators, the March WTO program includes three discussion panels that will deal with the following themes: Multilateralism in the midst of the rising tide of bilateral and regional trade pacts, rebalancing the rules of the multilateral trading system in favour of the poor, and trade and sustainable development from collision to cohesion. The conference will also provide parliamentarians with an opportunity to obtain firsthand information from the ambassadors who are the key negotiators on recent developments in the Doha Round.

The Doha Development Agenda was developed in November 2001 at the WTO Ministerial Conference in Doha, Qatar. The aim is to lower trade barriers around the world and increase global trade between countries. In recent years, trade negotiations have been stalled over a divide on major issues such as agricultural subsidies. The upcoming WTO conference will enable parliamentarians to provide advice to the WTO on ways to revitalize the Doha negotiations.

Honourable senators, one of the highlights of the conference will be an address by WTO Director-General Pascal Lamy. According to Mr. Lamy, the central priority of the WTO remains

the conclusion of the Doha Round. In a speech delivered in October 2010, Mr. Lamy said:

Bringing the Doha Round to a successful conclusion would send the strongest possible signal that the WTO is relevant to today's new world economy, that it remains the focal point for global trade negotiations, and that it will be a key forum for international economic cooperation into the future.

Honourable senators, as the new chair of the Inter-Parliamentary Union delegation to the steering committee, I remain fully committed to pursuing both Canada's and the Inter-Parliamentary Union's agenda on matters of trade and development.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in the gallery of the Honourable Roger Fitzgerald, the Speaker of the House of Assembly of Newfoundland and Labrador.

On behalf of all honourable senators, Mr. Speaker, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear.

#### NATIONAL BALLET OF CANADA

##### CONGRATULATIONS ON SIXTIETH ANNIVERSARY

**Hon. Nicole Eaton:** Honourable senators, it is with great pride that I rise today to speak about the sixtieth anniversary of the National Ballet of Canada.

[Translation]

Founded as a classical ballet company by Celia Franca in 1951, the National Ballet of Canada has over 60 dancers and its own symphony orchestra. It is the only Canadian ballet company to present a full season of ballet classics in their entirety throughout the autumn, winter and spring — in addition, of course, to the ever-popular *Nutcracker*.

[English]

Canada's premier dance company has performed for over 10 million people. The company has toured Canada, the United States and throughout the world, including performances in Germany, the Netherlands, Israel, Hong Kong, Japan, Italy and Mexico, and has been invited to perform in China next year.

The National Ballet of Canada has worked closely with major companies around the world, such as the American Ballet Theatre in New York, the Houston Ballet, the San Francisco Ballet and most recently with the Royal Ballet in London in an extremely successful co-production of Christopher Wheeldon's *Alice's Adventures in Wonderland*. *Alice's Adventures in Wonderland* is having its North American premiere this June in Toronto.

Honourable senators, the National Ballet of Canada is artistically vibrant, confident and forward-looking under the extraordinary leadership of Karen Kain. Ms. Kain's consummate artistry and passionate advocacy for the arts has strengthened the cultural life of many Canadians.

[Translation]

In honour of this important anniversary, the company is inviting the entire community to celebrations to be held throughout the year and has a six-city tour planned for western Canada, from Winnipeg to Victoria.

• (1350)

[English]

The world premiere of *Romeo and Juliet*, choreographed by the acclaimed Alexei Ratmansky, opens the sixtieth anniversary season in November and will be the highlight of the season.

[Translation]

The Tutu Project will feature 60 tutus from great moments in the company's history and new tutus created by the community. This exhibition will be displayed throughout the entire season at the Four Seasons Centre for the Performing Arts and at some of Toronto's most popular events and festivals.

[English]

The sixtieth anniversary will be capped off with the annual Mad Hot Wonderland on June 21. The annual gala of the National Ballet of Canada is always one of the hottest tickets in town, and raises \$1 million in an evening of ballet, dinner and dancing — money, I might add, that is applied directly to the bottom line and is much needed.

Honourable senators, I know you join me in congratulating the National Ballet of Canada on its 60 successful years. I encourage honourable senators to take in the festivities when you are in Toronto or if the ballet comes to your city.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in the gallery of Mr. Salah Dashti, Head Advisor of Hail Economic City holding company and board member and advisor with Al Kharafi Group worldwide. He is the guest of the Honourable Senator Zimmer.

On behalf of all senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear!

#### THE KHARAFI GROUP OF KUWAIT

**Hon. Rod A.A. Zimmer:** Honourable senators, I draw your attention to Mr. Salah Dashti, who is the head advisor of the Hail Economic City holding company, and is a board member and advisor with Al Kharafi Group worldwide.

The Al Kharafi Group is a private Kuwaiti-based group with diverse interests and activities worldwide. Established as a trading company more than 100 years ago, it has since developed into a large multinational company.



Honourable senators, the company has been awarded a number of important projects in Kuwait, the Gulf States, Africa, the Caribbean, Asia and Eastern Europe. With an annual turnover exceeding US\$5 billion, the Kharafi Group now operates in more than 25 countries around the world, has more than 120,000 employees, and continues to march ahead with firm commitments to development, growth and progress.

The company is being established by a Saudi royal decree to develop the Hail Economic City, a new city that covers over 156 million square kilometres in size, and is being developed in the northern region of the Kingdom of Saudi Arabia. The city is set to be the largest and most modern transportation and logistics hub in the Middle East and North Africa, driving agro-industrial agriculture and food processing, mining and industry, green construction material and other green energy technologies.

The Middle East and North Africa have been going through serious challenges in opening up to the world, succeeding initially, before the current economic crisis, to grab most of the worldwide capital market.

Honourable senators, these challenges have led us to envision that a private sector company can adopt and implement a free market model without — and I stress “without” — governmental restrictions. By using and utilizing tools available in the modern Western market, which can be adapted to the Middle East and North Africa, MENA, we will have a city that allows the free market to flourish and that encourages other cities to take the same steps.

Today, the MENA region is the most attractive region in the world for the underdeveloped but rich. These two elements are the basic ingredients for the establishment of a new free economy city that creates a healthy living environment for millions of people. It is intended to position this company among the leading business and industrial cities in the world, paying special attention to the environment by adopting the highest standards and abiding by strict urban development rules and regulations.

Honourable senators, I am pleased to play host to my dear friend, Mr. Salah Dahshi, in this great adventure we call Canada.

## ROUTINE PROCEEDINGS

### STUDY ON APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

#### FOURTH REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

**Hon. Maria Chaput:** Honourable senators, I have the honour to table, in both official languages, the fourth report, an interim report, of the Standing Senate Committee on Official Languages, entitled: *The Vitality of Quebec's English-Speaking Communities: from Myth to Reality*.

(On motion of Senator Chaput, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### FOURTH REPORT OF COMMITTEE PRESENTED

**Hon. David P. Smith:** Honourable senators, I have the honour to present the fourth report of the Standing Committee on Rules, Procedures and the Rights of Parliament, which deals with the restructuring of Senate standing committees.

(For text of report, see today's Journals of the Senate, p. 1288.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

(On motion of Senator D. Smith, report placed on Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

## INCOME TAX ACT

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-470, An Act to amend the Income Tax Act (disclosure of compensation — registered charities).

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

(On motion of Senator Tardif, bill placed on the Orders of the Day for second reading two days hence.)

## CANADIAN NATO PARLIAMENTARY ASSOCIATION

### VISIT OF THE DEFENCE AND SECURITY COMMITTEE, OCTOBER 24-27, 2010—REPORT TABLED

**Hon. Joseph A. Day:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association concerning its participation in the visit of the Defence and Security Committee, from October 24 to 27, 2010, in Afghanistan.

• (1400)

[English]

### ANNUAL SESSION, NOVEMBER 12-16, 2010— REPORT TABLED

**Hon. Joseph A. Day:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Fifty-sixth Annual Session, held in Warsaw, Poland, from November 12 to 16, 2010.

[Translation]

TRANSATLANTIC FORUM,  
DECEMBER 6-7, 2010—REPORT TABLED

**Hon. Joseph A. Day:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association, respecting its participation in the Transatlantic Parliamentary Forum, held in Washington, D.C., United States, on December 6 and 7, 2010.

[English]

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO EXTEND DATE OF FINAL REPORT ON STUDY  
OF ACCESSIBILITY OF POST-SECONDARY EDUCATION

**Hon. Art Eggleton:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That notwithstanding the orders of the Senate adopted on March 18, 2010 and December 2, 2010, the date for the presentation of the final report by the Standing Senate Committee on Social Affairs, Science and Technology on access to post-secondary education in Canada be extended from March 31, 2011 to June 30, 2011 and that the date until which the committee retains powers to allow it to publicize its findings be extended from September 30, 2011 to December 31, 2011.

[Translation]

**FINANCE**

NOTICE OF MOTION TO URGE GOVERNMENT  
TO USE A GENDER-BASED APPROACH IN  
ITS BUDGET AND FISCAL POLICIES

**Hon. Rose-Marie Losier-Cool:** Honourable senators, pursuant to Rules 56 and 57(2), I give notice that on Tuesday, March 22, 2011:

I will call the attention of the Senate to the need for the Canadian federal government to adopt a gender-based approach to its budgetary and fiscal processes.

**QUESTION PERIOD**

**STATUS OF WOMEN**

**GENDER-BASED ANALYSIS**

**Hon. Rose-Marie Losier-Cool:** Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, I asked her whether her government had conducted or was going to conduct a gender-based analysis of the impacts of

the March 22 budget on the female half of the Canadian population. I carefully reread the leader's response this morning. I still do not know whether the government has conducted or will conduct this analysis. I look forward to reading the delayed answer promised by the leader, including the result of this analysis.

The leader told us yesterday that it was her government that implemented gender-based analyses of federal programs. However, in its own response in 2006, in the second report of the Standing Committee on the Status of Women at the other place, the Harper government indicated that departments had started integrating gender-based analyses into their programs in 1995, under the government of Mr. Chrétien who had made this commitment. Could the leader explain this contradiction between her response and the one provided by the minister, Bev Oda, in 2006?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I believe that our government made a commitment to gender-based analysis across all government departments and agencies. The Auditor General stated in her spring 2009 report that gender-based analysis of programs rightly rests with the departments and agencies, even though she acknowledged that government policy was not applied across the board.

[Translation]

**Senator Losier-Cool:** Honourable senators, I would like to thank the leader for having mentioned the Auditor General of Canada's report. In her spring 2009 report, the Auditor General of Canada had this to say about gender-based analysis:

... there is no government-wide policy requiring that departments and agencies perform it.

The Auditor General studied gender-based analysis practices in seven departments and found that it was rarely used and not often taken into consideration as departmental policies were being created. Can you explain this second contradiction between the answer we were given and that of the Auditor General?

[English]

**Senator LeBreton:** In my view there is no contradiction. The Auditor General drew attention to the application of the gender-based analysis, and pointed out that the responsibility for the analysis rightly rests with the departments and agencies. Status of Women Canada urges the departments and agencies to follow government policy of conducting gender-based analysis on all policies.

[Translation]

**Senator Losier-Cool:** Honourable senators, yesterday the leader said that Status of Women Canada is working with every department and agency to develop the use of gender-based analysis. I remembered the substantial cuts made to Status of Women Canada by the Harper government a few years ago, and



I took a look at the Status of Women directory. I found that there are only seven people working in the Gender-based Analysis and Strategic Policy unit. Does the leader believe that seven people are enough to help the entire federal public service?

[English]

**Senator LeBreton:** Honourable senators, I reported yesterday that Status of Women Canada assists in providing the template for departments and agencies to conduct gender-based analysis. I must take exception to the honourable senator's comments that the government made cuts to Status of Women Canada. The honourable senator knows that is not true. The government has increased funding for Status of Women Canada programs to the highest level ever. It is false to say that we have cut funding to Status of Women Canada.

[Translation]

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### ACCESS TO SERVICE CANADA IN BOTH OFFICIAL LANGUAGES

**Hon. Maria Chaput:** Honourable senators, my question is for the Leader of the Government in the Senate. Last month, I asked whether the government had considered its obligations under the Official Languages Act and Regulations before closing numerous Service Canada offices in Nova Scotia and Newfoundland and Labrador.

I also asked whether a study had been done on the impact that these changes would have on official language minority communities and whether that study was available for consultation. This morning, I learned that, when the Associate Deputy Minister from Service Canada appeared before the Standing Committee on Official Languages in the other place, she confirmed that, from now on, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador would be considered to be part of the Atlantic Region and designated unilingual under the Official Languages Act.

If I understand correctly, that means that Acadians and other francophones in the Atlantic Region have just lost their right to receive federal services in their official language, French. I would like to remind honourable senators that 20 to 25 per cent of people living in the Atlantic Region are francophone and that New Brunswick is the only officially bilingual province in Canada. Designating the Atlantic Region as a unilingual anglophone region therefore seems to be a clear violation of the constitutional rights of Acadians and francophones in that area.

• (1410)

My question then is: Who decided to designate this area unilingual and what was the basis for that decision? Does this government truly see Acadia as a unilingual anglophone region?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, staff are not prevented from speaking to clients in the other official language in a unilingual office if they are able to do so. It is the choice of the employee.

All Canadians have the option to speak to someone in the official language of their choice, regardless of which Service Canada office they enter. That is the law. The government supports Canada's Official Languages Act and we follow all legislative requirements to provide quality service in the language of people's choice.

[Translation]

**Senator Chaput:** Honourable senators, a decision of such magnitude, namely, the decision to designate the Atlantic region as unilingual, requires a certain amount of forethought.

Did the government conduct any type of study on the impact that this change would have on official language minority communities? If so, can the leader obtain a copy of any study, analysis or other documents that may have been produced in this regard, particularly by Service Canada?

[English]

**Senator LeBreton:** The honourable senator made reference to testimony given before a committee in the other place. I would have to read that testimony and the questions that were asked in their context.

I reiterate that the government follows all legislative requirements to provide quality service to their clients in the official language of their choice.

With regard to Service Canada operations in various locales, as I said before, these community offices did not have government employees and residents could not apply for OAS, CPP or other government programs.

The government adheres to our Official Languages Act. We are serious about that and we follow the law with regard to providing services to people in the official language of their choice.

[Translation]

**Senator Chaput:** I thank the leader for her reply and I appreciate the fact that she will seek additional information. However, with all the respect that I have for the people working in our federal institutions and for those who will try to continue providing services in French to Acadians, the fact remains that, if the Atlantic region has been designated unilingual, I have serious concerns about what may happen.

I personally experienced the same situation in Manitoba when we lost a service because it was relocated to what is called a "unilingual region". Now, when I try to access this service, if it is not provided in French, I cannot ask for it. And I have no recourse to the Commissioner of Official Languages, because the area is designated unilingual. My great concern is whether, after the Atlantic region, western Canada will be next.

[English]

**Senator LeBreton:** The honourable senator asked that exact question previously, and I took it as notice, which is all that I can do.

[Translation]

#### REORGANIZATION OF SERVICE CANADA

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I have a supplementary question. How can the leader say that the decision to reorganize Service Canada — which will violate the rights of 500,000 francophones — is permitted under part VI of the Official Languages Act, which governs the language of work, and part VII, which deals with positive measures?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I responded clearly with regard to Service Canada in my first response to Senator Chaput. To repeat, staff are not prevented from speaking to clients in the other official language in a unilingual office if they are able to do so. That is the choice of the employee.

All Canadians have the option to speak to someone in the official language of their choice, regardless of the Service Canada office they enter. We will follow all legislative requirements to provide quality service in the language of an individual's choice to clients who come into Service Canada offices.

**Senator Tardif:** Honourable senators, I have trouble understanding this. Who will a client speak to if no one is in the office who can understand them? The word should not be "prevent," but rather "encourage."

**Senator LeBreton:** Honourable senators, I have made it clear that Service Canada will follow all legislative requirements to provide quality service in the language of the client. It only makes sense that in any office in the country people should be encouraged to speak both official languages.

As we know, there are both francophone and anglophone areas of the country where that is not possible. However, that does not take away from the policy of the government. We adhere to the Official Languages Act. We take all the recommendations of the Official Languages Commissioner seriously and we always respond to them.

We believe that under the Official Languages Act Canadians have the right to receive services in the language of their choice.

**Hon. Joan Fraser:** Honourable senators, I do not question the personal good faith of the Leader of the Government in the Senate when she gives her answers. I have sat here long enough putting questions to her to have no doubt about her personal commitment on these matters. However, I think we do have a serious institutional problem.

It is all very well for the leader to give us the assurance that the Government of Canada abides by the legislative requirements to provide service. However, an entire region of the country has had its entitlements under those legislative requirements removed because, if a region is not designated bilingual, then there is no legislative requirement to provide service in both languages. As we have heard, it then becomes a matter of whether or not there happens to be someone in that office who can provide service in the minority language in question.

In areas where there is a large minority population, it is likely that there will be an employee somewhere who can speak the other language. The real problem will be not so much in the heart of L'Acadie in New Brunswick, but for Acadians in Prince Edward Island and Nova Scotia, and for those poor francophones in Newfoundland and Labrador who have hung on so tenaciously for all these hundreds of years and where we cannot be sure that there will be federal employees who, out of the goodness of their hearts, can provide the service in their second language.

Can the leader please bring back to this chamber, rapidly, an explanation of exactly what has happened, why it has happened, and what will be done to restore the rights of francophones in an entire region, four provinces of this country?

**Senator LeBreton:** I thank the honourable senator for the question. I believe the basis of these questions is a result of some testimony that was given yesterday in the other place. I absolutely will endeavour to obtain the information, determine if it is misinformation and, absolutely, respond to the honourable senator by written response.

• (1420)

#### HERITAGE CANADA

##### MAPLE LEAF TARTAN

**Hon Elizabeth Hubley:** Honourable senators, my question is for the Leader of the Government in the Senate. I was delighted this morning to see the Maple Leaf Tartan declared an official symbol of Canada. Clearly, the government has been playing close attention to my efforts in the Senate to recognize the Maple Leaf Tartan as the national tartan of Canada.

The wording of this morning's press release, in particular, seemed eerily similar to the speech I gave in this place last week, on Thursday, March 3. Alas, a press release alone does not an official symbol make.

Official symbols of Canada are created either through an Act of Parliament, a resolution in both houses, or by proclamation. Since my Bill S-226 has not yet been passed and we have seen no such resolution, I can only assume that a proclamation has been issued.

First, can the leader confirm that a proclamation was indeed approved by cabinet? Second, as proclamations always appear in the *Canada Gazette*, can the leader tell us when we should expect to see it?



**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for her question, which I will take as notice.

As Senator Hubley knows, I am not in a position to divulge discussions of cabinet, nor would I ever divulge them.

I well understand the honourable senator's commitment to the Maple Leaf Tartan. I actually remember that when the Maple Leaf Tartan was introduced, everyone ran around buying Maple Leaf Tartan vests, skirts, kilts, scarves, tams and so forth.

I will take Senator Hubley's question as notice and ask for an explanation of exactly what was the intent of the press release.

**Senator Hubley:** I thank the leader and I do appreciate it. However, I have a short supplementary.

At the same time, could she ascertain when the Canadian Heritage website will be updated?

**Senator LeBreton:** I will be happy to do that, honourable senators. Updating websites seems to be a situation that all governments face.

## INDUSTRY

### 2011 CENSUS

**Hon. Maria Chaput:** Honourable senators, my question is for the Leader of the Government in the Senate. Manitoba's Chief Statistician fears too few Canadians may fill out the voluntary National Household Survey in 2011, which replaced the mandatory long-form census. He recently stated:

We could get a misleading picture. . . . If 50 per cent or lower . . .

Fill out the forms,

. . . what have we got? There is the potential here for a statistical catastrophe.

The fear is that the National Household Survey could produce misleading information about things such as population growth, which is used to determine the size of federal transfer payments. As a result, the Province of Manitoba plans to spend up to \$400,000 over the next five months to persuade Manitobans to fill out next spring's National Household Survey.

In its initial planning, Statistics Canada assumed a response rate of 94 per cent for the 2011 mandatory long-form census, identical to that achieved for the 2006 census. Statistics Canada is now assuming a response rate of 50 per cent for the voluntary National Household Survey though it could turn out to be much lower.

On October 5, 2010, in answer to my question regarding the federal government's decision to abolish the long-form census, the Leader of the Government in the Senate explained that,

because the National Household Survey will have even wider distribution, the data should be even more valuable. It appears that the National Household Survey in 2011 will be a much more expensive undertaking than the trusted mandatory long-form census would have been. The provinces will have to spend a great deal of money just to ensure they receive their rightful share of federal transfer payments.

My question is the following: How much will all this cost? How much will be spent by the provinces to persuade Canadians to fill out the voluntary National Household Survey? What is the federal government's strategy and financial contribution in this regard?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, again, to say "would have," "could have" or "might have," anticipating a doomsday scenario, is not helpful. There is no proof that is exactly what will happen. Many people, myself included, believe just the opposite.

The fact is, the questions that will be asked in the new National Household Survey are identical to the questions that would have been asked in the mandatory long-form census. It will be sent to 4.5 million households, which is a much larger sample than those which received the old long-form census.

As I have pointed out many times, the "long-form census" was really a misnomer. A census is a census and everyone has to answer a census. It should never have been called that in the first place. In any event, it is now properly named as the National Household Survey. We believe this survey will be filled out by Canadians.

I regret the views of the Chief Statistician of the Province of Manitoba, which the honourable senator has put on the record. I can only report to the honourable senator what the Chief Statistician of Statistics Canada said in a committee in the other place. He appeared before the committee and he stated that the 2011 National Household Survey will produce useful and usable data. The 2011 census is under way, and we encourage all Canadians to participate.

**Hon. Sharon Carstairs:** Honourable senators, I have a supplementary question. My understanding of the government's position was that they felt that this census was too invasive and yet the Leader of the Government in the Senate has just responded to a question to say that all of the questions will be identical. What is the rationale?

**Senator LeBreton:** Honourable senators, the rationale is that under the previous system it was demanded of people to fill in the long-form census under threat of penalty. Our government believes that with a wider distribution of the same questions, rather than demanding and telling Canadians that they must do this, we are asking Canadians to participate in this survey. We have every reason to believe that Canadians will accommodate us.

[Translation]

## ORDERS OF THE DAY

### KEEPING CANADIANS SAFE BILL

#### THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino, for the third reading of Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, as amended;

And on the motion in amendment of the Honourable Senator Manning, seconded by the Honourable Senator Smith (*Saurel*), that Bill S-13 be not now read a third time but that it be amended in clause 17, on page 8, by replacing line 15 with the following:

“45.48 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the *Keeping Canadians Safe (Protecting Borders) Act*.”.

**Hon. Roméo Antonius Dallaire:** Honourable senators, with your permission, before I speak to third reading of Bill S-13, I would like to propose an amendment.

#### MOTION IN AMENDMENT

**Hon. Roméo Antonius Dallaire:** Honourable senators, I move:

That Bill S-13 be not now read a third time but that it be amended on page 6, by adding after line 16 the following:

“15.1 (1) Within one year after this Act receives royal assent, the Minister of Public Safety and Emergency Preparedness shall prepare a report that sets out all government expenditures associated with the implementation of this Act and shall cause the report to be laid before each House of Parliament.

• (1430)

(2) The report may be referred to the standing committee of each House that normally considers matters relating to national security and defence or, in the event that there is no such standing committee, to any other committee that the Senate or House of Commons may designate or establish for the purposes of this section.”

He said: Honourable senators, I am pleased to speak today to Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America.

This is a positive bill, although it does need a little help. As honourable senators are aware, Bill S-13 would implement an international agreement reached between Canada and the United States in May 2009. As my colleague Senator Manning indicated, the United States has already implemented this agreement.

This treaty is the framework agreement on integrated cross-border maritime law enforcement operations between the Government of Canada and the Government of the United States of America.

The objectives of the framework agreement are to provide additional means to prevent, detect and suppress criminal offences and violations of the law in undisputed areas of the sea or internal waters along the boundary between Canada and the United States and to facilitate the investigation and prosecution of such offences and violations.

[English]

Why is this proposed legislation necessary? Not only is it to follow the application of the treaty already signed, but in the specifics, nearly one half of the Canadian-American border consists of maritime or water milieu, on both sides of the border. The geographic vulnerabilities of this maritime setting are exploited by criminal organizations to the detriment of the security and safety of both Canada and the United States of America.

The Canadian government, since 2001, has invested over \$1 billion in projects to enhance the marine security of the border, and to ameliorate the on-water presence and coordination of law enforcement.

A key element of Canada's National Security Policy of 2004 is the enhancement of maritime security and safety. As delineated in the North America Security and Prosperity Partnership of 2005, the Government of Canada at the time was also committed to cooperating with the United States to pursue a strategy to improve maritime port protection and transportation, and to combat transnational threats, which include organized criminal activities, migrant smuggling and contraband trafficking. It is within this environment of increased border cooperation and greater focus on maritime security that the pilot program Shiprider was conceived. The genesis of this proposed legislation dates back to the Shiprider pilot program of 2005, created and implemented under the previous government.

The four operational goals of the Shiprider program, as outlined in the RCMP-U.S. Coast Guard Shiprider 2007 impact evaluation final report, are as follows: first, to enhance cooperation between Canada and the United States in law enforcement agencies, chiefly the RCMP and the U.S. Coast Guard, but not singularly; second, to enhance the operational effectiveness of the interdiction and enforcement of Canadian and American laws by our respective law enforcement agencies; third, to enhance international border integrity via an increased presence of law enforcement; and, finally, to promote and demonstrate safe boating techniques.

The Shiprider program was largely a success and this bill, amended, would allow those successes to continue into the future. Nonetheless, it is important that the Department of Public Safety,



the RCMP and other relevant law enforcement agencies ensure that in implementing this bill, the governmental responsibility to consult, and accommodate, Canada's First Nations peoples is fulfilled consistently and in good faith.

As was stated by the leaders of the Mohawk government from the communities of Akwesasne and St. Régis, which are right on the border and have waterways, in their testimony before the Standing Senate Committee on National Security and Defence, Aboriginal peoples in this region are keen to participate in this government initiative. They told our committee that the purpose of this initiative is largely welcomed by their communities. They understand that cross-border criminal activity in the region will undermine the national security and economic interests of both the United States and Canada.

However, they want to be a meaningful and respected partner in the implementation of this bill to ensure their interests in the region are also protected. They want to know how this initiative might affect their traditional fishing, hunting and trapping activities in the Akwesasne and St. Régis area, and how it might affect their use of the river system in this area. They want to ensure, in the words of Brian David, Acting Grand Chief of the Mohawk Council of Akwesasne, when he appeared before the committee, that "the police distinguish the good people in Akwesasne from the not-too-good people in Akwesasne."

The Aboriginal communities also want to know how this legislation might affect their hard-fought rights of self-governance and other Aboriginal treaty rights. These are significant, legitimate and sensible concerns that the government has an ethical, a moral and a legal responsibility to address in the implementation of this proposed legislation.

If this bill does become law, I call upon the government to engage the Aboriginal communities in the geographic areas affected by this bill and to implement the legislation in a manner that fully respects their concerns as well as their Aboriginal and treaty rights.

I have another point for your attention, honourable senators, about this particular bill. The coming into force of large sections of this bill are dependent on what happens to Bill C-38, the Ensuring the Effective Review of RCMP Civilian Complaints Act, and Bill C-43, the Royal Canadian Mounted Police Modernization Act, which are currently before the other place.

Clause 24 of Bill S-13 before us, the clause concerning the coming into force of the proposed legislation before the other house, reads as follows:

The provisions of this Act, other than sections 22 and 23, come into force on a day or days to be fixed by order of the Governor-in-Council.

• (1440)

What are we to make of sections 22 and 23? Bill C-38 and Bill C-43 may be passed with amendments, and these sections refer directly to those two bills. It is one thing for proposed legislation in this chamber to refer to a law that is currently in

effect in Canada. It is completely different for a bill to have particular effects that are entirely determined by what occurs to multiple other bills that are currently under study by Parliament and what they ultimately will bring to our bill.

Honourable senators, we must be vigilant of what effects and provisions will be determined by the events, which are outside the control of this chamber and may affect those two bills in the other place and, by extension, Bill S-13.

The imperative for clear legislation is especially present when dealing with a bill that has implications for Canadian sovereignty and the potential rights and freedoms of those apprehended during these cross-border operations. The complexity, if not ambiguity of the legalese in trying to cover two other bills still in full action in the other place, and trying to cover those bases in one bill, is not an effective way of going about passing a bill when we are looking for a simple solution to what is an effective means to achieve our security.

Also, let us not forget that the RCMP-U.S. Coast Guard Shiprider 2007 impact evaluation final report states:

The RCMP will have to make a considerable investment in time, money and human resources to effectively put into place full-time operational Shiprider units. This will be a significant undertaking for the force and a departure from its focus on land-based activities.

Clearly, the implementation of this bill will require substantial government expenditure.

Honourable senators, several members of the Standing Senate Committee on National Security and Defence requested further details on the cost of implementing this proposed legislation. We have not received answers from the minister, or from senior members of the department who are involved in the actual implementation process of this bill. We were told that this information will be available in future budgets and that we should not worry about the cost for the moment.

Honourable senators, imagine, for example, your son or daughter wanting to buy a car with your money. He or she might indeed need a vehicle to get to school or to work. However, before approving the purchase, you would be well within your rights to want to know which car they wanted to buy and the cost of the car. This government wants us to give them permission to buy a car with taxpayers' money and only inform us, after the fact, about how much they spent to do the job.

Honourable senators, it is fiscally irresponsible for us to endorse a bill without an iota of information as to its cost. It is well within the purview of this chamber to expect the executive branch of government and the bureaucracy to inform us of the implementation costs associated with implementing this bill. They bring others to us, yet we see similar inaction in regard to wanting to provide us with costing. They want to endorse these bills with comments such as "We think we can absorb it; it is not significant;" and "We are getting a good deal on the Americans' back."

Honourable senators, Canadian taxpayers do not want members of Parliament to rubber stamp pieces of legislation. They expect us to understand fully how proposed legislation will be implemented and how much it will cost.

May I have five minutes?

**Senator Comeau:** Five minutes.

**Senator Dallaire:** Thank you.

This bill will do us well, for sure. However, for the reasons I have raised and introduced in the amendment of Bill S-13, I believe it is essential that these bills increase the transparency, accountability and fiscal responsibility with which this bill should be implemented.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Would the Honourable Senator Dallaire entertain a question?

[Translation]

**Senator Dallaire:** With pleasure.

[English]

**Senator Comeau:** Honourable senators, I listened carefully to Senator Dallaire's speech; however, I missed the initial moments and I missed the amendment. Generally, we hear the amendments at the end of the speech; in this case, the honourable senator introduced the amendment at the beginning of his time and I admit to having missed the nuance of the amendment.

I wonder if the honourable senator would be kind enough to explain the amendment to this chamber. In addition, could the honourable senator explain why this amendment was not raised at committee, which is generally, where such amendments are made.

[Translation]

**Senator Dallaire:** Your question is completely relevant. I am happy that you did not ask me to re-read the amendment because I gave it back to the page.

The issue was brought up in committee. The bill will create additional expenses for the department or for the government as a whole. We asked how much it would cost and no one was able to tell us. Will we purchase 15 boats, or should we buy two? What other equipment will be needed? How will this bill be implemented?

In my experience, it has always been unthinkable to propose a bill to a minister without have first drawn up cost estimates for the department itself. And if the funds are not available, the minister would have to consult other cabinet ministers and try to sell them on the bill.

We have only heard vague assertions to the effect that things will fall into place and that the costs will likely be absorbed. But the bill is based on a report indicating that even more money will have to be spent and that more human resources will be needed. I only bring that up as an observation. In my mind, it is essential that we know how much all this will cost. This point was debated in committee and the majority felt this observation would not be

part of the report concerning the bill. Then a little birdie told me that if I wanted to raise this point again, I could do so at third reading.

Honourable senators, that is my proposal.

**Hon. Fernand Robichaud:** If I understood correctly, witnesses told the committee that this bill would incur additional expenses and that the details of these expenses would be set out in an upcoming budget.

**Senator Dallaire:** The witnesses told us that we would see how much all of this is going to cost when it comes time to review the budget estimates—I hope that is the right term. We will also see if the department is able to absorb these costs or if it will have to seek funding from the central agencies in order to implement this bill. We could not get any details beyond that.

[English]

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Senator Comeau:** No.

**Hon. Pamela Wallin:** Honourable senators, I must say that I am a little surprised by the senator's comments. All of the issues Senator Dallaire has raised were discussed fully at committee. The Department of Justice answered our questions. It was discussed at great length. I think it is completely disingenuous for the senator to suggest that we did not hear any answers.

Honourable senators, this is implementing legislation of a treaty between two countries. There is no specific program spelled out. Therefore, there is no specific funding attached. It is a piece of legislation that allows both countries to go ahead and propose programs such as Shiprider, a program that the honourable senator himself and other members of his party allege they liked. It was their legislation initially, after all, with which they now disagree or have problems. This is legislation that would allow two governments to carry on. There is no cost involved that can be spelled out until the programs are agreed to by the two countries. One needs the legislation in order to allow the two countries to agree to the programs.

• (1450)

The honourable senator is putting the cart before the horse. He knows full well why the discussion was there, and amendments were brought forward by the government to contemplate and to anticipate changes being considered by the House of Commons to the RCMP Complaints Commission. They put it in there, and the Department of Justice officials explained repeatedly that the amendments were being proposed to contemplate that, so that we would not have to go back to the drawing board. On both sides, we all agreed it was a reasonable proposition.

The honourable senator raises the question about the concerns of the First Nations people. They clearly said they were consulted and they were talked to about this. This treaty involves Canada and the United States and a program that the two have worked out on a trial basis on three different occasions.



I am stunned — I guess that would be the appropriate way to put it — that the honourable senator is now putting all of this forward. We discussed this. I know Senator Day thinks it is funny, but we did have an agreement and we did, as adults and two consenting parties, agree that it was a good thing for the security of this nation to have this kind of a relationship with our biggest and most important trading and security partner.

Therefore, I am puzzled about what it is that Senator Dallaire is trying to accomplish.

**Senator Dallaire:** To the chair of the committee, what she has stated essentially is right inasmuch as we have debated in committee. With respect to her sort of schoolboyish reaction, this is not Grade 3 and she should wait for the full argument.

Honourable senators should remember that this debate was held in camera, interestingly, or at least not broadcast, which is an interesting angle. We did raise the amendments and we were told that if we wanted to raise these points again that we should go ahead and do so at third reading. We agreed with a number of the points.

Therefore, at third reading, as my side's critic, I felt it worthy of bringing to the attention of the chamber some of these discussion points that they did not hear because, in fact, it was not even broadcast. I thought it would be useful to provide background.

For example, the Department of Justice people appeared and spent a lot of time explaining these modifications because we are fiddling with two other pieces of legislation. We said we agreed that their modifications would meet that requirement, except that nobody mentioned what would happen if Bill C-38 and Bill C-43 were amended. Would that bring amendments to what we have done? We are not too sure.

However, what is there is an agreement that it was complicated. In fact, I never really heard an answer to the question, why is this bill in the Senate? If the two other bills are in the House of Commons and we are pushing legislation for a treaty, why are we starting a government bill in the Senate? We really did not push the angle and the dimension of finances too far, I agree, because maybe there is another perspective to that.

Are we allowed to introduce bills that someday might require money to be spent by the government? It may be cute or appropriate to move it through without giving us any direct answers and by telling us that it is being absorbed and that the programs have not been worked out. Maybe that is okay. However, I raised it in committee — and I did not use this term there but I will bring it forth here — that I am not sure it is ethical that we are fiddling around with it this way.

That is why I felt I should raise these points today.

The amendment is essentially saying that I may not want to wait until the actual estimates come out next year and that perhaps a promissory note could be attached to the estimates as to what this will cost when they build the program. That is the methodology of this sort of framework legislation.

Framework legislation must be questioned. I cannot believe that we continuously bring in legislation when we do not have a clue how much it will cost once it has been passed. Then we are held accountable afterwards for having passed it. People ask, "How did they pass this thing? Did they not know it would put us in debt and skew the funding of the government?"

With this amendment, I hope to raise a dimension that, if legislation is brought forward, there will possibly be some expenditures. If we cannot get the results of the program when we pass it, then we should ask in six months' or a year's time, subsequent to it being passed and implemented, what the cost might be. I consider that a fair request to be submitted with the implementation of a bill.

**Hon. Tommy Banks:** Honourable senators, in speaking to Senator Dallaire's amendment — and I know Senator Day also wishes to speak to it — in respect of what Senator Wallin has said, none of us should ever be surprised if an honourable senator brings in an amendment at third reading. It is perfectly in order. We all do so all the time, so it is entirely in order.

In respect of clause 22, for example, that Senator Dallaire raises, I hope that honourable senators will look at it. Clause 22 is 16 pages long. Clause 22, which will not be brought into force with the rest of this bill and which is conditional upon other things happening, is 16 pages long. It is not an insignificant consideration.

Honourable senators, I will ask, under rule 47, since the amendment that Senator Dallaire proposed was not fully translated by the simultaneous interpretation, that it be read again and slowly. I know His Honour was interrupted, but I think we can ask for this under rule 47 so that we all will know exactly what it is.

**The Hon. the Speaker:** Honourable senators, it has been moved by the Honourable Senator Dallaire, seconded by the Honourable Senator Day — as Senator Banks indicated, I began to read the amendment in English, and the house indicated that I should dispense.

[Translation]

I will now read the complete amendment to the motion proposed by Senator Dallaire and seconded by Senator Day, first in French:

#### « RAPPORT

**15.1 (1)** Dans l'année suivant la sanction de la présente loi, le ministre de la Sécurité publique et de la Protection civile prépare un rapport faisant état des dépenses publiques associées à la mise en œuvre de la présente loi et fait déposer le rapport devant chaque chambre du Parlement.

[English]

May we verify our translation from English to French?

**Senator Downe:** The interpreters just stated that they do not have the text and so they could not translate.

**The Hon. the Speaker:** That is why I was intending to read it in both English and French. I shall continue reading the French version at subsection 15.1(2).

[Translation]

(2) Le rapport peut être renvoyé au comité permanent de chaque chambre du Parlement habituellement chargé des questions liées à la sécurité nationale et à la défense ou, en l'absence d'un tel comité, à tout autre comité désigné ou établi par le Sénat ou la Chambre des communes aux fins de l'application du présent article. ».

• (1500)

[English]

And in English, it is moved by the Honourable Senator Dallaire, seconded by the Honourable Senator Day:

That Bill S-13 be not now read a third time but that it be amended on page 6, by adding after line 16 the following:

#### “REPORT

**15.1** (1) Within one year after this Act receives royal assent, the Minister of Public Safety and Emergency Preparedness shall prepare a report that sets out all government expenditures associated with the implementation of this Act and shall cause the report to be laid before each House of Parliament.

(2) The report may be referred to the standing committee of each House that normally considers matters relating to national security and defence or, in the event that there is no such standing committee, to any other committee that the Senate or House of Commons may designate or establish for the purposes of this section.”.

Continuing debate, Senator Day.

**Hon. Joseph A. Day:** Honourable senators, I have a few comments and observations to make with respect to this particular piece of legislation. It is my intention to talk about the amendments so that we all understand what amendments are outstanding and have been implemented, or were passed at committee. I will talk briefly about the issue of this bill starting in this chamber rather than the other chamber, relating to the money bill issue. Finally, I will talk about the title, the short title in particular, which I think honourable senators at least should be aware of.

Let me start, honourable senators, by agreeing with my colleague Senator Dallaire that this legislation, in principle, attempts to cover a concept that we support. The Shiprider concept will improve security at our maritime borders. As honourable senators heard yesterday from one of the questions I posed of Senator Manning, this bill deals with maritime borders only: the Great Lakes, anywhere else that we may have a river — the St. Lawrence River, the St. Croix River, Milk River and Columbia River — and the East and West Coast, the borderlines

there. Many rivers form borders, and this legislation relates to those rivers and only those rivers. It is important that we understand that point.

Honourable senators, we heard an amendment proposed yesterday. We have had another amendment today by Senator Dallaire. Senator Manning proposed an amendment yesterday that we have to keep in mind. Three amendments were made at committee and have been incorporated into this bill. We will have for voting, the two amendments that have been proposed and any other amendments that might be proposed during third reading.

I will go over the transcript briefly from the Standing Senate Committee on National Security and Defence from February 28, 2011, to give you some of the highlights so that honourable senators can understand my concern with respect to the amendment that was proposed yesterday. We were moving along nicely in clause by clause consideration until we reached clause 17:

**Senator Manning:** I have a problem with clause 17. I move:

Senator Manning then proposed that the clause be amended. The important point, if honourable senators look at yesterday's amendment, is that the wording is almost identical to what we passed previously, except for the numbers. The numbers are critical here. The amendment begins “45.88.” It is either 45.88 or 45.48. In this amendment, 45.88 is the number that they wish to use.

**The Chair:** This amendment is in reference to a situation in which people might be designated or appointed maritime law enforcement officers under the subsection?

**Senator Manning:** Yes.

**Senator Dallaire:** Are you adding these lines?

**The Chair:** It is replacing line 15.

Then I go on:

Are you sure you want section 45.88 in your amendment when it is section 45.48 in the act? Some confusion is being caused by all these different numbers, and we should have an explanation of what this amendment is intended to achieve and why it is necessary. There are two different points.

**The Chair:** Senator Day is asking whether 45.88 is the right number.

**Senator Day:** I think it should be 45.48.

**The Chair:** Yes, and that is on a different page. I think we have them mixed up. Is that correct?

**Senator Day:** Let us not be confused about what is coming. Let us talk only about this amendment. Should it be section 45.48?

**The Chair:** Can a departmental official join us?



The department officials are joining us, but, in the meantime, Senator Nolin says:

In French, it is perfectly okay.

**The Chair:** It is section 45.48. On this page, it is section 45.88.

**Senator Day:** Luckily I read the English version and found this mistake.

**The Chair:** Ms. Beecher and Mr. MacKillop have been here before. Do you see the problem in the English version?

**Barry MacKillop, Director General, Law Enforcement and Border Strategies Directorate, Public Safety Canada:** There is a difference in the English and the French. I believe it should read "45.88" in both versions. . . .

**Senator Day:** Look at line 15 on page 8. You are adding words after that section, as I understand, from this amendment. It should be section 45.48.

Honourable senators, you have to understand this discussion to know the frustration of those that were required to vote on this amendment at the end.

**The Chair:** We will do that. Can we clarify this amendment first so that we are all on the same piece of paper? Can we have the words that you want added read aloud so we can settle that part?

**Senator Day:** I am not sure we have settled it.

**The Chair:** It is the same wording.

**Ms. Beecher:** It has 45.48 on one.

**The Chair:** It has 45.88 on the other.

**Mr. MacKillop:** It should read 45.88.

**Ms. Beecher:** I think so.

**Senator Day:** Maybe we need another amendment.

**Senator Manning:** It amends section 45.88. . . .

**Mr. MacKillop:** It should read 45.88; and section 45.48 contains the definitions in Bill S-13. . . .

We had to clarify that definition within the auspices of the public complaints area, which is section 45.88. I apologize if the French version reference is section 45.48; it should be section 45.88 in both versions.

**The Chair:** You have the right number on the French copy.

Then we go on. We are still talking about this thing as we go on and on. I may have to ask for a little more time here.

**Senator Manning:** Chair, I need to extend my amendment to include section 45.88 to make sure everything is right.

**Senator Nolin:** You have to read it in French now. . . .

**Ms. Beecher:** It would be more practical to have a copy of the bill. . . .

**Senator Day:** This meeting would have been much easier if we had had time to review and consider the amendments before the meeting. We might not have had to ask these questions now.

**The Chair:** I think it is good that we have an opportunity to do this.

**Senator Dallaire:** The point that my colleague raises is that if we had received the amendments a couple of days ago instead of two minutes before we walked into the building, we could have reviewed them ahead of the meeting.

• (1510)

Then there was a bit of a debate on that, which is a good point.

**Mr. MacKillop:** The actual amendment will be inserted in proposed section 17 of Bill S-13. . . .

**Senator Day:** This is the best way that lawyers drafting this could do; that is, by taking us through all these various sections to achieve that?

**Mr. MacKillop:** We had to make a certain amendment in order to address the policy intent, which was to keep it as broad as possible and to cover all Canadian police officers. Given that Bill C-38 is not passed, we simply could not make a reference to Bill C-38 being amended consequentially.

That is part of the problem that has been raised here. We are trying to play with two different pieces of legislation, and we are going all over the place.

**The Chair:** This was some of the complication that we had in testimony. I am also told that we will have to now have a sub-amendment because the French version says "45.88."

**Senator Nolin:** No, it is the reverse.

**The Chair:** I am sorry, I am just getting instruction here; I am not sure

**An Hon. Senator:** Is that what the chair said?

**Senator Day:** I am reading a transcript.

**Senator Day:** No. It has to be changed. . . .

**Senator Nolin:** Yes, and it should be 48. . . .

**Mr. MacKillop:** It is actually 45.88. The English version is correct; the French version inadvertently refers to 45.48 and it should be point 45.88.

**The Chair:** All right. Does everyone see this now?

Senator Manning then reintroduces it as 45.88, and the chair ends off this part of the transcript by saying, "That is a miracle," and it is agreed.

Honourable senators, we went through this with respect to the 45.88, 45.48. At committee, we finally passed 45.88. The motion yesterday was to change it to 45.48. The exact same line, the exact same amendment that we have dealt with and spent 17 pages of transcript and an hour and a half on, that is the amendment, without explanation. I am afraid to look at the French section. I will refer to my good friend Senator Nolin to look at that aspect.

Honourable senators, perhaps the difficulty here is that we are dealing with new legislation. We normally do sober second thought on legislation. This legislation was dealt with at first blush. When we receive the legislation, particularly the first time, it is critically important to understand the amendments and all the different sections that are being excluded and included. These are government amendments. It would have been helpful if they would have shared the amendments with us and had offered the committee an explanation.

The second point I want to make is with respect to a money bill. If one looks at this particular piece of legislation, it is very clear that it requires certain things to be done. The purpose of the act is clear. It states:

The purpose of the Act is to implement the Agreement, the objectives of which are to provide additional means to prevent, detect and suppress criminal offences and violations in undisputed areas of the sea or internal waters. . . .

There is the appointment of individuals as peace officers.

An individual may be appointed under subsection (1) only if they have substantially completed the required training, . . .

There is money directed to the departments to spend. The comment that we heard at committee was not to talk about money because that would raise the issue of a money bill. It is clear that we are not entitled to introduce bills that require the disbursement of public funds or to collect public funds. That is not the role of the Senate.

Honourable senators, in my respectful submission, this bill requires the disbursement of funds in order to achieve the objectives outlined. A Royal Recommendation should appear, and the bill should commence in the House of Commons and not in the Senate.

The third point is with respect to title. I would like to make this point before I run out of time. I join Senator Harb in a comment he made in this chamber on March 1. While discussing another

piece of legislation concerning fairness at the pumps Senator Harb said:

By making this choice, the minister and his government have delivered a grave disservice to these hard-working departmental officials and industry stakeholders. The government has chosen to play politics, selecting an inflammatory and misleading short title that diminishes and takes away from what otherwise is legitimate and well-intentioned legislation.

Could I have five minutes? I am in my third point now.

**Senator Comeau:** Five minutes.

**Senator Day:** I want to point out to honourable senators there is a tendency to deal with short titles in a non-professional manner.

Yesterday, we talked about Dr. Driedger at the University of Ottawa. He was a professional; he taught a course on legislative drafting. He would be disappointed to see that the hard work of legislative drafts people is being interfered with for political purposes. That is the point that Senator Harb was making.

Honourable senators, if you look at some of the recent pieces of legislation and the short titles: Bill S-2, Protecting Victims from Sex Offenders Act; Bill S-6, Serious Time for the Most Serious Crime Act. Does that sound like a piece of legislation drawn up by a legislative drafts person?

These are just a few of the ones I took from the Order Paper: Keeping Canadians Safe; International Transfer of Offenders Act; Standing up for Victims of White-collar Crime Act; Cracking Down on Crooked Consultants Act. The short title of this piece of legislation is Keeping Canadians Safe (Protecting Borders).

The amendment that I proposed at committee was because "Protecting Borders" was misleading, because this bill refers to maritime borders. I asked for a friendly amendment to add the word "maritime," and there was no agreement.

I do not believe, honourable senators, that "keeping Canadians safe" is something that we need to add to any piece of legislation. I think that is why we are here.

We are not trying to make Canadians less safe so it is implicit in all of our legislation that we are trying to do the best thing. When you go looking for this legislation in a table of contents or you are doing research, you will be looking for maritime borders. That is why I have suggested the amendment, honourable senators. Unfortunately, the majority was not with me. However, I think some of them were close.

• (1520)

I have decided to give it another try.



## MOTION IN AMENDMENT

**Hon. Joseph A. Day:** Honourable senators, I move:

That Bill S-13 be not now read a third time, but that it be amended,

(a) in clause 1, on page 1, by replacing lines 4 and 5 with the following:

“1. This Act may be cited as the *Protecting Maritime Borders Act*.”; and

(b) by replacing every reference to the *Keeping Canadians Safe (Protecting Borders) Act* with the *Protecting Maritime Borders Act*, wherever it occurs in the bill.

I have the amendment in both French and English, honourable senators.

**The Hon. the Speaker:** It was moved by the Honourable Senator Day, seconded by the Honourable Senator Moore:

That Bill S-13 be not now read a third time, but that it be amended,

(a) in clause 1, on page 1, by replacing lines 4 and 5 with the following:

“1. This Act may be cited as the *Protecting Maritime Borders Act*.”; and

(b) by replacing every reference to the *Keeping Canadians Safe (Protecting Borders) Act* with the *Protecting Maritime Borders Act*, wherever it occurs in the bill.

[Translation]

I will repeat in French what was proposed by Senator Day, seconded by the Honourable Senator Moore:

Que le projet de loi S-13 ne soit pas maintenant lu une troisième fois, mais qu'il soit modifié:

a) à l'article 1, à la page 1, par substitution, aux lignes 4 et 5, de ce qui suit:

« 1. Loi visant à assurer la protection des frontières maritimes. »;

b) par remplacement de la mention « Loi visant à assurer la sécurité des Canadiens (protection des frontières) » par « Loi visant à assurer la protection des frontières maritimes » dans les dispositions où elle figure.

(On motion of Senator Comeau, debate adjourned).

## CRIMINAL CODE

## BILL TO AMEND—THIRD READING

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** moved third reading of Bill C-21, An Act to amend the Criminal Code (sentencing for fraud).

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and bill read third time and passed.)

[English]

## AERONAUTICS ACT

## BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Greene, for the second reading of Bill C-42, An Act to amend the Aeronautics Act.

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to speak to Bill C-42, An Act to Amend the Aeronautics Act, which seeks to create an exemption under the Personal Information Protection and Electronic Documents Act so that airlines are enabled to provide information to the United States of America when flying over its airspace in compliance with the U.S. Secure Flight Program's oversight provisions.

We are dealing with the right of the United States to defend its soil and citizens in the wake of the terrorist attacks of September 11, 2001. The events of that day completely and irrevocably changed relations between the United States and the rest of the world and, yes, Canada's relations with our neighbours to the south have been altered forever as well.

From that day on, security has played a major role across the board in the relations between our two nations. From border issues, to trade and to travel, security will play a role in any negotiation that takes place between our two countries. Bill C-42 is not a surprise in that regard.

In fact, cooperation in civil aviation between Canada and the United States dates back much further. Canada is a signatory to the Convention on International Civil Aviation, which came into being on April 4, 1947. Article 1 of the convention states:

... every State has complete and exclusive sovereignty over airspace above its territory.

Canada has recognized the sovereignty of the United States over its airspace since 1947. That has been a fact for a long time. Part of that recognition of sovereignty is the right of the United States to ask for information regarding the people who are flying to the United States or through its airspace to arrive in another country. For reasons of security and in light of the events of 2001, this is completely understandable.

But, personal privacy has become a major issue with the rise of new technology and the inevitable globalization which has resulted. Canadians expect full protection of the privacy of their personal information.

In light of the massive shift towards security in the recent past, the balance between these two issues of privacy and security is a real issue. How does one strike a healthy balance?

Civil liberties groups state that personal privacy has primacy over the security issue and their points are valid. At the other end of the spectrum, Canadian airlines believe that closing American airspace to Canadian civil aircraft is not a very balanced business solution, to say the least.

In the committee hearings in the other place, the Privacy Commissioner of Canada, Jennifer Stoddart, expressed her concern with Bill C-42, but she did not feel the legislation would break Canada's privacy laws. She expressed her belief that, with the passing of Bill C-42, the Canadian Government has a responsibility to work with the Government of the United States and the airline operators to "minimize the impact," and pointed out four areas of concern.

First, ensure that the minimal amount of personal information is disclosed to American authorities. The U.S. Secure Flight Program requires only three pieces of information: the passenger's full name, date of birth and gender. In particular, Transport Canada should work with the airlines to avoid excessive disclosure of personal information. On this point, we note that our Aeronautics Act currently allows the Governor-in-Council to make regulations respecting the type or class of information that may be provided to a foreign state.

Second, question the retention periods of seven full days for no match, and seven years for potential matches, to fulfill the commitment from the U.S. to collect personal information only as necessary for airline security.

Third, negotiate robust and accessible redress mechanisms with the U.S. Department of Homeland Security for Canadians who are prevented from flying as a result of the U.S. Secure Flight Program.

Fourth, make Canadians aware of the Secure Flight Program and Canada's Passenger Protect Program to minimize the confusion that may result from the operation of the two programs.

Of course, the Liberal Party has great concerns with this bill as well. That is why an effort was made to strike that balance between privacy and security. The result was several amendments which have strengthened this bill and made it more effective. The Liberal members in the other place amended this bill in three ways.

First, airlines and travel agencies will be required by law to inform passengers that data about them will be transferred before they purchase their airline ticket.

Second, in the original version of the bill, other countries could be added to the legislation by order-in-council. The legislation now restricts the data transfer to the United States only.

Third, the legislation is now subject to oversight by the members of the committee of the House of Commons responsible for transport matters. The measures will be reviewed two years after coming into force, and each subsequent five years.

These changes were critical to finding agreement on this legislation in the other place. Awareness by the airline passenger as to the transfer of personal information provides transparency. The restriction on adding further countries to the law in the future will require that separate agreements will need to be entered into between Canada and these other countries.

The oversight provision will allow the members of the committee responsible for transport matters of the other place to review the manner in which this legislation is functioning and thus provide some oversight by Canadians on a matter of such delicate balance. I do not know why the oversight provision does not include the Senate of Canada, it being the other legislative body in our bicameral Parliament, particularly on matters of such high importance as dealing with the privacy and security of all Canadians.

• (1530)

The Standing Senate Committee on Transport and Communications should also be an oversight body. As an aside, I wish to add my own thoughts to Commissioner Stoddart's point that the Governments of Canada and the United States must work together to minimize the effects of Bill C-42 and other security matters between Canada and the United States.

From my experience, communication is key. We are living in a world where information can be disseminated, read and become "a fact," regardless of its truth, in a matter of moments. Ensuring this information is accurate and honest should be one of the issues we deal with seriously.

As recently as two years ago, the Secretary of the Department of Homeland Security of the United States was repeating the myth that the 2001 terrorists entered the United States from Canada. We know this is not true, but the upper echelons of the United States government, indeed the agency with which we would deal on matters of security between our two nations, was unaware of the facts. That falsehood was repeated last week by senior Senator John McCain of Arizona.

This complete failure of communication results in Americans' distrust of Canadians and our diligence in maintaining security along our mutual borders at a level acceptable to the United States. We need to be just as diligent in maintaining the level of communication between our two nations, at least at the same level as our security efforts. We try to do this in a non-partisan way through our Canada-United States Inter-Parliamentary Group. We have had success in explaining to our American counterparts Canada's position on various issues, but our efforts need to be continuously built upon every day. We saw that during our visit last week to Washington with the many new members of Congress who had little or no knowledge of Canada's important relationship with their country.

I believe my thoughts are most appropriate in view of the declaration made between the President of the United States and the Prime Minister of Canada on February 4, 2011,



regarding a shared vision for perimeter security and economic competitiveness. As this declaration is explored and advanced, I expect the same issues of privacy and security will be paramount. In all of these discussions and negotiations, Canada must insist upon reciprocity from our American counterparts as well as full respect for the sovereignty of our territory.

In closing, I would like to salute the efforts of my colleagues in the other place for their efforts at cooperation and for the responsibility they have shown in striking the balance between security and privacy. It is not an easy feat to achieve.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Senator Di Nino:** Question.

**The Hon. the Speaker:** It is moved by the Honourable Senator MacDonald, seconded by the Honourable Senator Greene, that Bill C-42, An Act to amend the Aeronautics Act, be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

**Senator Tardif:** On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Macdonald, bill referred to the Standing Senate Committee on Transport and Communications.)

## CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—SECOND READING—  
ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Brown, for the second reading of Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

**Hon. Daniel Lang:** Honourable senators, I would like to ask the Honourable Senator Carstairs when she would like to speak to this item, Bill C-475. This bill has gone through the House of Commons twice, unanimously. It was introduced here in September 2010 and spoken to. Senator Campbell spoke eloquently and passionately, was well informed, and supports the bill.

It is not a controversial bill. If we do not deal with it shortly, it could well die on the Order Paper and we may have to start again.

I would like to urge Senator Carstairs to speak to it as soon as she possibly can.

**Hon. Sharon Carstairs:** Honourable senators, I addressed this matter while the honourable senator was travelling last week with the Energy Committee, I believe. I will speak to it as soon as I am ready.

(Order stands.)

## STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY

FIRST REPORT OF FOREIGN AFFAIRS AND  
INTERNATIONAL TRADE COMMITTEE—  
DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the first report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *Canada and Russia: Building on today's successes for tomorrow's potential*, tabled in the Senate on March 31, 2010.

**Hon. Consiglio Di Nino:** Honourable senators, I rise to speak about the Standing Senate Committee on Foreign Affairs and International Trade's study on the emerging economies, but specifically the one dealing with Russia and our report on that.

First, I wish to acknowledge the warm and accommodating welcome our Russian hosts displayed everywhere we went. Our special thanks go to His Excellency Ralph Lysyshyn, Canadian Ambassador to the Russia Federation, and his staff; as well as to Mikhail Margelov, Chair of the Committee for Foreign Affairs of the Council of Federation; and Konstantin Kosachev, Chair of the State Duma Committee on Foreign Affairs.

Of particular note was the exceptional welcome we received in the energy-rich Siberian region of Khanty-Mansiysk by Senator Gennady Dmitrievich Oleynik and Governor Alexandr Vasilievich Filipenko, who not only warmly welcomed us but also embraced our mission with courtesy, openness and genuine hospitality.

Honourable senators, in Khanty-Mansiysk we witnessed what the benefits of a strong economy can provide its citizens when the state invests dividends from successful economic growth in its people. The educational, cultural and recreational facilities available to the citizens of this region are second to none, contributing to a high standard of living.

[Translation]

In today's global economy, it is becoming increasingly important for nations to identify key strategic trading partners, so as to ensure their long-term economic viability. This is particularly the case for trading nations such as Canada.

As the recent global recession has shown, gone are the days when Canada can be overly reliant upon the United States as its major trading partner.

While the United States will likely continue to be our largest trading partner for many years to come, it is imperative that Canada recognize the importance of emerging markets and the role they will play in the world economies of the 21st century and beyond. It was for this reason that the Standing Senate Committee on Foreign Affairs and International Trade undertook this study. Our goal was to better understand and assess the potential business and investment opportunities available to Canadian businesses.

As for Canada-Russia business relations, it is apparent we are doing something right. Between 2000 and 2009, Canada's total trade with Russia increased by more than 357 per cent. Canadian exports to Russia grew by an average of 22.5 per cent annually, while imports from Russia grew by 27 per cent annually.

There is no question that Russia has evolved from a socialist, state-controlled economy to a free market economy.

• (1540)

We heard evidence from many witnesses, in a variety of industries, regarding the success they have experienced in Russia, including from SNC Lavalin, Bombardier, Semex (a Guelph, Ontario bovine genetics firm) and Kinross Gold Corporation, all of which extol the profitable opportunities available in Russia.

Yet, it must be noted that trade with Russia is not without its challenges. In fact, Russia's President, Dmitry Medvedev, in his September 10, 2009, article entitled, "Go Russia," went as far as to use phrases like, "a primitive economy," "endemic corruption," "backwardness," "humiliating dependence on raw materials," "paternalistic attitudes" and "social ills" to describe the current state of Russia.

[English]

Honourable senators, our report does not ignore the realities of Russia's problems, which to some degree, although different, exist in all global markets. I am particularly unsympathetic to those who self-righteously criticize other countries, including Russia, of corrupt or unethical behaviour.

The recent global economic crisis, the worst since the Second World War, was, in my opinion, the result of abdication of regulatory responsibilities, greed and corrupt practices, largely by our neighbour to the south. I recommend all honourable senators view the film *Inside Job*. It will depress you.

Of note, Canada does not escape the cancer of corruption and fraud. Over the years, there have been numerous examples, including the latest updates on Cinar, where \$120 million was swindled, and Norbourg Asset Management case where 9,200 clients lost an estimated \$130 million.

The point I am making is that no one, no country, has exclusive rights to honesty or dishonesty. As well, let us remind ourselves that today's Russia, the new Russia, is barely 20 years old and old habits are hard to break.

[Translation]

Honourable senators, it is obvious that challenges exist for trade and investment in Russia, however, like everywhere else in the world, where there are no risks, there are no rewards.

What Canadian business needs to accept is that Russia is not Canada. They have different ways of doing things, different structures, if you will. Therefore, in order to be successful in Russia, an investor must be willing to be patient, learn and focus on the long-term benefits rather than the short-term challenges.

As Kinross Gold's President and CEO, Tye Burt, stated in his commentary in *The Globe and Mail* on May 21, 2010:

The senators' conclusion, and their "recipe for success" in Russia, square closely with Kinross's experience. As Canada's largest single investor in Russia, we have learned the critical importance of having a committed local partner; of understanding the mechanics of various Russian government agencies and knowing where decision-making power lies; of clearly demonstrating the benefits that our investment brings to the local population; and, above all, of being patient — and persistent — in pursuing our goals.

Honourable senators, the trade and investment opportunities in Russia are vast and varied. The committee heard numerous times from many witnesses that Russians like Canadians, and like doing business with Canadians. This attitude should open the doors to many new markets for Canadian businesses.

For instance, Russia presents a viable and lucrative partner for the Canadian agricultural industry. Canadian business would also be welcomed in the development of Russia's infrastructure and rail system, which is one of the largest and most intensely operated rail systems in the world. Opportunities also exist in the energy and extraction sectors and green technology.

[English]

Honourable senators, as the committee's report indicates, Bombardier, Kinross Gold, Semex and SNC-Lavalin and others all show that Canada and Canadian businesses can and do succeed in Russia. These and other companies have all made the case for future trade with Russia. They have demonstrated that Canadians can succeed in the Russian marketplace, as well as establish themselves as leaders in their respective industries.

Russia presents a promising market for Canadian goods and services, as well as Canadian investment. It boasts an emerging free market economy, a growing free press and a dedication to improving the lives of its populace, as shown by Governor Filipenko.

I urge all honourable senators to read the complete report for a better appreciation of our study, which makes a strong case for trade and investment with Russia. I believe our committee's mandate was timely and important. The development of emerging economies is now a major factor in the global economic reality that Canada cannot ignore.

In a July 12, 2010, *The Globe and Mail* article entitled "Canadian CEOs are getting the BRIC message," Gwyn Morgan, retired founding CEO of Encana Corporation states:

A recent Historica-Dominion Institute survey found that Canada's brand resonates in these high-growth countries: A strong majority of those polled in Brazil, Russia, India and



China see Canada as a world economic power. Meanwhile, Americans ranked Canada below average and respondents from our traditional European allies ranked our country near the bottom.

Honourable senators, I am confident that the data gathered and the recommendations made by our committee will help to bring better focus to both the Government of Canada and the business community for the task at hand.

**Hon. Pierre De Bané:** May I put a question to my honourable colleague?

**The Hon. the Speaker pro tempore:** Senator Di Nino, will you accept a question?

**Senator Di Nino:** Yes, please.

[Translation]

**Senator De Bané:** First, I would like to thank my dear colleague for giving much of his speech in such elegant French, which shows his talent and mastery of the French language, and offer him my congratulations.

[English]

As the honourable senator knows, one of the major factors in deciding to make an investment in a foreign country is if there is a consistent, predictable respect for the rule of law. As honourable senators know, some Canadian businesses have had some unfortunate experiences in Russia; in the end, they preferred to cut their losses and return to Canada.

The honourable senator has given us many examples of Canadian companies that have succeeded. What would he say to those Canadian companies that are still very much concerned about whether they can do business in Russia with the rules that govern the running of businesses in our own country?

**The Hon. the Speaker pro tempore:** Senator Di Nino, before you begin your reply, I should advise you that your time for speaking has expired. Are you prepared to ask for more time?

**Senator Di Nino:** May I?

**Some Hon. Senators:** Five minutes.

**Senator Di Nino:** Thank you, I appreciate it.

I thank the honourable senator for his comments. We are trying; hopefully we will get better as we practice.

• (1550)

The honourable senator's question is very important. There is no doubt that when Canadians travel abroad for investment or trade purposes, and for personal reasons such as tourism, they want to know that laws exist to protect their interests. We must understand that Russia is not Canada and we have different ways of doing things. Challenges will differ from one country to another and certainly that is the case between Russia and Canada.

[ Senator Di Nino ]

However, it is an encouraging sign when the president of that nation talks about the problems in his country, such as corruption, bad habits and other negative components of their society. Mr. Tye Burt of Kinross Gold gave the answer better than I could give. He said, in effect, that we have to know that not all will succeed, but we should not focus on the failures. Rather, we should know the failures and learn from them. At the same time, he said that we should then move on because there have been many more successes than failures.

Russia does not help itself when it deals with some of these issues, in particular the way in which they treated Mr. Khodorkovsky. The general view of the world was that the state influenced the legal process, which was totally unacceptable. We know that there are risks and we must calculate those risks and keep our eyes open. I gave examples of five or six companies that we talked with in Russia. They said that opportunities exist and it is not a bad place to do business. They welcomed us to join them in making profits for our company and creating jobs for our country.

(On motion of Senator Andreychuk, debate adjourned.)

#### STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

##### SIXTH REPORT OF FISHERIES AND OCEANS COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Tardif, for the adoption of the sixth report (interim) of the Standing Senate Committee on Fisheries and Oceans, entitled: *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and British Columbia*, deposited with the Clerk of the Senate on December 20, 2010.

**Hon. Nancy Greene Raine:** Honourable senators, I rise to comment on the motion of the Honourable Senator Rompkey for the adoption of the report entitled, *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and British Columbia*. This item stands in the name of Senator Patterson, and I would like it to be understood that when I conclude my speech, the item will remain adjourned in his name.

Honourable senators, de-staffing Canadian lighthouses by the Canadian Coast Guard has been an ongoing plan since the 1970s, as new technology has made it possible to automate functions such as radio communication and radar. More recently, GPS systems have become standard navigational aids.

During the 1990s, the Coast Guard began to phase out all remaining staffed lighthouses and by the mid-1990s, all the lighthouses on our inland lakes, the St. Lawrence River and throughout the Maritime Provinces had been de-staffed. The

exception is the lighthouse at Machias Seal Island off the coast of New Brunswick for sovereignty reasons because it is claimed by both Canada and the United States.

Our committee had the opportunity to visit some lighthouses that had been de-staffed in the Atlantic Provinces. We were shocked to see the disrepair of some of Canada's most historic lighthouses. In the 1990s in both British Columbia and Newfoundland and Labrador, there was widespread public opposition to the de-staffing initiatives, so the practice was effectively stopped in 1998. Today, only 27 light stations in B.C. and 23 in Newfoundland are still staffed. When the last round of de-staffing was stopped, \$24.5 million in capital funding brought these light stations up to standard. In recent years, various departmental reviews have reaffirmed the decision to keep staff at the lighthouses. In spite of this, senior management of the Coast Guard has continued to press for de-staffing. As well, they have systematically reduced the effectiveness of the light station personnel.

In 2009, the Canadian Coast Guard advanced a plan to de-staff the remaining light stations. Reaction was extremely negative and no formal review or consultation had taken place. In September 2009, the Minister of Fisheries and Oceans put the de-staffing plan on hold pending a review by the Coast Guard of the additional services that lighthouses provide. In March 2010, she asked the Standing Senate Committee on Fisheries and Oceans to undertake the review.

Honourable senators, I am a skier from the mountains. To tell you the truth, before last summer I had never visited a light station. I must admit, I was a bit skeptical that they needed to be staffed. I am now convinced that it would be a huge mistake to de-staff.

I should explain that there are different kinds of lighthouses. Most of us think of the typical white tower with a beacon at the top. Out west, they are real stations in that they are a combination of buildings where the lightkeepers live, outbuildings that house the systems that operate the station, and the towers.

Times have changed and with modern navigational aids, the Coast Guard believes that they need only a light on a stick as an aid to navigation. Do we need to keep people at the lighthouses? Last summer when I visited the working light stations, I met some of the lightkeepers who were kind enough to give me an education. I realized quickly that no two light stations are the same; but all are staffed with dedicated keepers who are the ultimate multi-taskers. In B.C. the lightkeepers not only keep the light shining but also provide other marine and aviation services. I cannot imagine how they could be replaced efficiently.

I have heard from many of the lightkeepers. One of them said that although the public input that took place for the Senate study should have been educational, there continues to be a lack of understanding in Ottawa about the work that lightkeepers do on the British Columbia coast. They are placed in strategic locations along the coast, and it is a very good thing they are. As an example, the Trial Island Lighthouse, which is at the top of the list for de-staffing, marks the eastern entrance to the Strait of Juan de

Fuca. The vantage point of the light station and its personnel provides ample opportunity for assistance to the public. In 2009, because they were there, a group of 12 kayakers were rescued, two of whom had dislocated shoulders and five of whom were sufficiently hypothermic to require hospitalization. In another incident, a lightkeeper spotted at a distance of three miles three people clinging to the hull of an overturned vessel that had not had the opportunity to put out a distress call. The lightkeeper knew the weather was changing and that the seas were dangerous, so she went up the tower and watched. No doubt she saved their lives.

Up and down our coast, light stations provide essential services. They do search and rescue; provide aviation and marine weather reports; relay weak radio signals and distress calls from radio blind spots to Marine Communications and Traffic Services, which monitors all traffic up and down the coast; work with DFO to assist in monitoring fishing fleets; provide assistance to scientific endeavours, such as their records that are used to forecast which way the salmon will migrate; form part of the RCMP coast watch program; provide environmental response and pollution control, such as being first to report the oil spill off Vancouver Island in 1989; provide national resources data collection; at times, reset equipment for tsunami, seismic and GPS plate shifting monitoring; and work with Parks Canada. There are three lighthouses along the West Coast Trail and they regularly provide assistance to hikers and other recreationalists.

This effective and economical multi-tasking by lightkeepers cannot be replicated by parcelling out to various agencies. If there is a thought that doing without lightkeepers will save money, Ottawa should think again. Much of the work done by lightkeepers is preventive and we all know that an ounce of prevention is worth a whole lot of cure. Lightkeepers feel it is incumbent on them to assist in ensuring that the safety net on the West Coast is not picked apart by people who do not understand the needs of coastal communities.

Honourable senators, last fall the committee travelled to Prince Rupert on a fact-finding mission. Flying back we could see the dramatic coastal mountains rising thousands of feet out of the ocean. There are only three roads through those mountains to the coast. All communities up and down our coast between the southern border and Alaska rely on services provided by West Coast lighthouses as they monitor the marine highway. The lighthouses are the 911 system for safety on our coast.

Marine traffic is increasing all the time. Lightkeepers assist everything from big tankers to cruise ships to fishing boats to kayaks; and the list could go on and on. The traffic will not decrease. The need for lighthouses will always exist. The people on the lights are truly resourceful. Light stations should not be thrown away without a great deal of thought. The lightkeepers are valuable. They are there. Let us use them.

(On motion of Senator Raine, for Senator Patterson, debate adjourned.)

(The Senate adjourned until Thursday, March 10, 2011, at 1:30 p.m.)



## CONTENTS

Wednesday, March 9, 2011

|                                | PAGE |
|--------------------------------|------|
| <b>Visitors in the Gallery</b> |      |
| The Hon. the Speaker. . . . .  | 1971 |

### SENATORS' STATEMENTS

|   |      |
|---|------|
| <b>University of Lethbridge</b>                           |      |
| Support Program for Aboriginal Nursing Students.          |      |
| Hon. Grant Mitchell. . . . .                              | 1971 |
| <b>RESULTS Canada</b>                                     |      |
| Hon. Jim Munson . . . . .                                 | 1971 |
| <b>World Glaucoma Week</b>                                |      |
| Hon. Elizabeth (Beth) Marshall. . . . .                   | 1972 |
| <b>Inter-Parliamentary Union</b>                          |      |
| Parliamentary Conference on the World Trade Organization. |      |
| Hon. Donald H. Oliver. . . . .                            | 1972 |
| <b>Visitor in the Gallery</b>                             |      |
| The Hon. the Speaker. . . . .                             | 1973 |
| <b>National Ballet of Canada</b>                          |      |
| Congratulations on Sixtieth Anniversary.                  |      |
| Hon. Nicole Eaton. . . . .                                | 1973 |
| <b>Visitor in the Gallery</b>                             |      |
| The Hon. the Speaker. . . . .                             | 1973 |
| <b>The Kharafi Group of Kuwait</b>                        |      |
| Hon. Rod A.A. Zimmer . . . . .                            | 1973 |

### ROUTINE PROCEEDINGS

|   |      |
|---|------|
| <b>Study on Application of Official Languages Act and Relevant Regulations, Directives and Reports</b>                              |      |
| Fourth Report of Official Languages Committee Tabled.   |      |
| Hon. Maria Chaput . . . . .   | 1974 |
| <b>Rules, Procedures and the Rights of Parliament</b>   |      |
| Fourth Report of Committee Presented.   |      |
| Hon. David P. Smith . . . . .   | 1974 |
| <b>Income Tax Act (Bill C-470)</b>  |      |
| Bill to Amend—First Reading. . . . .  | 1974 |
| <b>Canadian NATO Parliamentary Association</b>  |      |
| Visit of the Defence and Security Committee,<br>October 24-27, 2010—Report Tabled.  |      |
| Hon. Joseph A. Day. . . . .   | 1974 |
| Annual Session, November 12-16, 2010—Report Tabled.   |      |
| Hon. Joseph A. Day. . . . .   | 1974 |
| Transatlantic Forum, December 6-7, 2010—Report Tabled.  |      |
| Hon. Joseph A. Day. . . . .   | 1975 |
| <b>Social Affairs, Science and Technology</b>   |      |
| Notice of Motion to Authorize Committee to Extend Date<br>of Final Report on Study of Accessibility of Post-Secondary<br>Education. |      |
| Hon. Art Eggleton . . . . .   | 1975 |
| <b>Finance</b>  |      |
| Notice of Motion to Urge Government to Use a Gender-Based<br>Approach in its Budget and Fiscal Policies.                            |      |
| Hon. Rose-Marie Losier-Cool . . . . .   | 1975 |

### QUESTION PERIOD

|  |      |
|--|------|
| <b>Status of Women</b>                               |      |
| Gender-Based Analysis.                               |      |
| Hon. Rose-Marie Losier-Cool. . . . .                 | 1975 |
| Hon. Marjory LeBreton . . . . .                      | 1975 |
| <b>Human Resources and Skills Development</b>        |      |
| Access to Service Canada in Both Official Languages. |      |
| Hon. Maria Chaput . . . . .                          | 1976 |
| Hon. Marjory LeBreton . . . . .                      | 1976 |
| Reorganization of Service Canada.                    |      |
| Hon. Claudette Tardif . . . . .                      | 1977 |
| Hon. Marjory LeBreton . . . . .                      | 1977 |
| Hon. Joan Fraser. . . . .                            | 1977 |
| <b>Heritage Canada</b>                               |      |
| Maple Leaf Tartan.                                   |      |
| Hon. Elizabeth Hubley . . . . .                      | 1977 |
| Hon. Marjory LeBreton . . . . .                      | 1978 |
| <b>Industry</b>                                      |      |
| 2011 Census.   |      |
| Hon. Maria Chaput . . . . .                          | 1978 |
| Hon. Marjory LeBreton . . . . .                      | 1978 |
| Hon. Sharon Carstairs . . . . .                      | 1978 |

### ORDERS OF THE DAY

|   |      |
|---|------|
| <b>Keeping Canadians Safe Bill (Bill S-13)</b>  |      |
| Third Reading—Motion in Amendment—Debate Continued.   |      |
| Hon. Roméo Antonius Dallaire. . . . .   | 1979 |
| Motion in Amendment.  |      |
| Hon. Roméo Antonius Dallaire. . . . .   | 1979 |
| Hon. Gerald J. Comeau . . . . .   | 1981 |
| Hon. Fernand Robichaud . . . . .  | 1981 |
| Hon. Pamela Wallin . . . . .  | 1981 |
| Hon. Tommy Banks . . . . .  | 1982 |
| Hon. Joseph A. Day. . . . .   | 1983 |
| Motion in Amendment.  |      |
| Hon. Joseph A. Day. . . . .   | 1986 |
| <b>Criminal Code (Bill C-21)</b>  |      |
| Bill to Amend—Third Reading.  |      |
| Hon. Gerald J. Comeau . . . . .   | 1986 |
| <b>Aeronautics Act (Bill C-42)</b>  |      |
| Bill to Amend—Second Reading.   |      |
| Hon. Wilfred P. Moore. . . . .  | 1986 |
| Referred to Committee . . . . .   | 1988 |
| <b>Controlled Drugs and Substances Act (Bill C-475)</b>   |      |
| Bill to Amend—Second Reading—Order Stands.  |      |
| Hon. Daniel Lang . . . . .  | 1988 |
| Hon. Sharon Carstairs . . . . .   | 1988 |
| <b>Study on Rise of China, India and Russia in the Global Economy<br/>and the Implications for Canadian Policy</b>                  |      |
| First Report of Foreign Affairs and International<br>Trade Committee—Debate Continued.  |      |
| Hon. Consiglio Di Nino . . . . .  | 1988 |
| Hon. Pierre De Bané . . . . .   | 1990 |
| <b>Study on Issues Relating to Federal Government's Current<br/>and Evolving Policy Framework for Managing Fisheries and Oceans</b> |      |
| Sixth Report of Fisheries and Oceans Committee—<br>Debate Continued.  |      |
| Hon. Nancy Greene Raine . . . . .   | 1990 |













*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5





CANADA



# Debates of the Senate

---

3rd SESSION

• 40th PARLIAMENT

• VOLUME 147

• NUMBER 94

---

OFFICIAL REPORT  
(HANSARD)

Thursday, March 10, 2011



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>





## THE SENATE

Thursday, March 10, 2011

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### THE HONOURABLE GORDON CAMPBELL

**Hon. Richard Neufeld:** Honourable senators, I rise today to pay tribute to a great British Columbian and a great Canadian.

Premier Gordon Campbell has dedicated 26 years of his life to public service, including 10 years as premier. He is the thirty-fourth Premier of British Columbia, and has been elected as premier in three successful elections; only the fourth instance of this political occurrence in British Columbia. In fact, in the 2001 election, the B.C. Liberals took 77 out of 79 seats, the largest majority of seats and the second largest majority of the popular vote in British Columbia's history.

In 2001, Premier Campbell inherited a province that was in complete disarray from the previous NDP government. British Columbia had gone from a "have" to a "have not" province. Debt had doubled, with little to show for it. Public services were in disarray with no direction, and tax rates for personal, corporate and small businesses were among the highest in the country. The economic climate was driving people out of British Columbia to other provinces looking for work.

Honourable senators, within days of taking office, Premier Campbell reduced personal income tax by 25 per cent. Over time, corporate tax was reduced and small business tax was eliminated; the public service received a new direction and British Columbians began returning home to their beloved province.

Premier Campbell has been honoured as one of British Columbia's great builders. He saw to the building of hospitals, roads, bridges, mass transit, and had universities built or repaired. He built a cooperative relationship with the federal government, which proved very beneficial for both the province and the federal government.

Premier Campbell assembled a climate action team and British Columbia became the Canadian leader for tackling the thorny issue of climate change. His government also moved forward with a new relationship with First Nations, which I believe has been very successful.

Honourable senators, under Premier Campbell's provincial leadership, one of most successful and memorable Winter Olympic Games was held in Vancouver and Whistler in 2010. For his dedication to the Olympic movement, the Canadian Olympic Committee bestowed upon Mr. Campbell the Canadian Olympic Order.

Premier Campbell's list of achievements is too lengthy to mention in such little time.

Premier Campbell had a vision that British Columbia could be the best place on earth — and he pursued his vision to his fullest capability.

Gordon's two sons, their families, and his wonderful wife, Nancy, supported Gordon in his active career, which enabled him to devote a considerable part of his life to public service.

In their early lives, Gordon and Nancy, who are voracious readers, taught in Nigeria under the auspices of CUSO and, while premier, he and his family climbed Mount Kilimanjaro. That climb helped raise \$130,000 for the Alzheimer Society. Gordon Campbell is truly an amazing person.

Honourable senators, I had the pleasure of serving in Premier Campbell's cabinet from 2001 to 2009, until I was called to the Senate. There was never a dull moment during those years. Mr. Campbell often told his cabinet ministers to be bold, not to be afraid to do what is right. It was a heck of a ride for me, one I will never forget, and one I am very grateful to have had.

To Premier Campbell and his family, I take off my hat. Thanks, premier, for all you have done. Your leadership will be missed not only in British Columbia, but also in Canada.

I leave honourable senators with one of the premier's favourite closing remarks:

Whatever you can do or dream you can do, begin it.  
Boldness has genius, power and magic in it.

Thank you again for your great leadership, Premier Campbell, and I sincerely wish you well in the future.

#### THE LATE MR. ARNIE PATTERSON

**Hon. Terry M. Mercer:** Honourable senators, we have lost another great Nova Scotian and another great Liberal. Mr. Arnie Patterson passed away Tuesday night after a long fight with cancer. He was 82 years of age.

A proud graduate of Saint Mary's University in Halifax, Arnie was known for his great media savvy and dedication to his province and especially to Dartmouth. If something was good for Dartmouth, Arnie was for it.

Honourable senators, Arnie was known for many things: he ran twice for the Liberal Party in Dartmouth—Halifax East, in 1968 and 1974; he was a reporter for several newspapers, including *The Chronicle-Herald* in Halifax; and he was Prime Minister Trudeau's press secretary.

He started a number of radio stations, particularly CFDR in Metropolitan Halifax, which was the first radio station that was not located in downtown Halifax, but in Dartmouth. He was also the general manager of Moosehead Breweries in Dartmouth.

Honourable senators, Arnie was a great advocate for his community, a great supporter of the Liberal Party and a great friend to many. I extend my condolences to his wife Glorena, his children and grandchildren, family and friends. Dartmouth will be a poorer place without him.

## NATIONAL ABORIGINAL ACHIEVEMENT AWARDS

**Hon. Gerry St. Germain:** Honourable senators, the eighteenth annual National Aboriginal Achievement Awards will be held tomorrow night in Edmonton. Once again, I will have the privilege to attend.

With each passing year, the National Aboriginal Achievement Foundation continues to advance their cause. They continue to reach out and provide Aboriginal youth the opportunity of a higher education; they continue to raise larger funding amounts for bursaries and scholarships; they continue to promote the importance of an equal opportunity education for all Aboriginal people; and they continue to change lives for the better.

Honourable senators, I must commend the hard work and leadership of the foundation's CEO, Ms. Roberta Jamieson who continues to guide the foundation's work along the path of success.

Last fall, the National Aboriginal Achievement Foundation held a working summit to improve Aboriginal education across Canada. During the summit, a commitment was made by the Association of Canadian Colleges and Universities to implement an Aboriginal Achievement Institute, designed to increase high school graduation rates. Weeks later, the National Aboriginal Achievement Foundation accepted \$525,000 from Vale Industries Canada to launch a mining education module aimed at attracting Aboriginal youth into Canada's lucrative mining sectors.

Honourable senators, Aboriginal education continues to be a policy area where successive governments have failed to create meaningful change. However, it is refreshing to know that there are some positive developments taking place.

I believe the federal government should take note of these successes and act to emulate them on the national stage. The time is now for the government to fulfill its long promised obligations on providing good quality, accessible and equitable education to Aboriginal people.

Honourable senators, tomorrow night, the National Aboriginal Achievement Awards will offer an opportunity for our country to take note of the vast amount of talent, drive and accomplishment embodied by Aboriginal people. This is a moment for our country to celebrate their achievements. However, let us, as a government, build upon that moment. I am sure we will. Let us ensure that

every Aboriginal person in Canada has the chance to succeed to the same degree as those who will receive the awards tomorrow night.

• (1340)

Honourable senators, in closing, I repeat what I have always said: Canada must seek out, and commit to making, appropriate investments in education so the future hopes, aspirations and opportunities of young Aboriginal people are equitable to non-Aboriginals. Their future relies on our actions today.

[Translation]

## MRS. FLORA THIBODEAU

### CONGRATULATIONS ON ONE HUNDRED AND TENTH BIRTHDAY

**Hon. Rose-May Poirier:** Honourable senators, on March 20, 2011, Flora Thibodeau, from Rogersville, New Brunswick, who comes from a family of six children, will celebrate her 110th birthday. Since she turned 100, I have had the privilege and honour of seeing this wonderful woman every year, and she recognizes me as soon as I arrive at her door.

Despite her age, Mrs. Thibodeau is in great shape. She always has a smile on her face, and she loves welcoming visitors to her home and answering questions about topics including history, religion and politics.

[English]

To quote from an article in the *Moncton Times & Transcript* from February 14, 2011:

She remembers the outbreak of the First World War in 1914, the first time something called an automobile went rumbling down the street in Rogersville, and she recalls the news in 1912 when the *Titanic* went down in the North Atlantic.

When asked about her first encounter with an automobile, Flora remembers it as if it was yesterday. "I remember it was a Ford, Model T I think it was called," Flora said. "We saw that thing going up the road and we did not know what it was — we all ran over to the road to see what was happening, and it was quite the thing."

Continuing from the *Times & Transcript* article:

When she was born on March 20, 1901, Sir Wilfrid Laurier was Prime Minister of Canada. William McKinley was the president of the United States, and his vice-president was a young upstart by the name of Theodore Roosevelt, and she was nearly two when the Trappist Monks arrived in her community.

But perhaps what is most remarkable about Flora is that the soon to be 110-year-old still defiantly lives at home, is healthier than many people half her age, can eat whatever she wants, is still relatively mobile, and has impeccable hearing.



[Translation]

When I visited Mrs. Thibodeau last year, she was curious to know whether she was the oldest person in Canada still living at home. Unfortunately, I have yet to find the answer to that question. So, honourable senators, if you have any information on that subject or can point me in the right direction in my search, I would be very grateful.

[English]

Mrs. Thibodeau had 7 children, is a grandmother to 17, is a great-grandmother to 27 and a great-great-grandmother to 5.

The article in the *Times & Transcript* continues:

Flora says that when you're 109 years old, life becomes a day-by-day process and that's exactly how she plans on taking it from here-on out.

She's thankful for her health, for her family, and for being able to live out her years in the comfort of her immaculately kept Rogersville bungalow, sitting in her comfy easy chair and listening to the radio.

Flora was a dedicated career woman, working hard to put food on the table. Aside from being a schoolteacher for six years, Flora was also the first woman manager of the local Caisse Populaire branch and a telephone operator. She also worked at the local Co-op location for many years.

[Translation]

In conclusion, Flora Thibodeau spent her life in the community of Rogersville. On March 20, she will celebrate her 110th birthday, a record that makes her the oldest Acadian in the province. I invite all honourable senators to wish Mrs. Thibodeau a happy birthday.

## VIOLENCE IN HOCKEY

**Hon. Jacques Demers:** Honourable senators, I rise today to talk about the incident that took place on Tuesday night involving players from the National Hockey League.

After spending 1,500 games behind a professional hockey bench, I thought I had seen it all, but I see that that is not the case. I do not want to speak about the decision made by the National Hockey League regarding Zdeno Chara; however, I feel that the league sometimes has a hard time policing itself.

I am thinking in particular of our young people who play hockey for fun — or supposedly for fun, because there is sometimes a lot of pressure on these young people — and those who aspire to a career in the National Hockey League. Many of these young people idolize hockey players. It could just as easily be football, baseball or soccer players.

With an incident such as the one that occurred the other evening, I am convinced that some parents have decided that their son or daughter will no longer play hockey. Some young players would like to have the opportunity to move from the Quebec Midget AAA Hockey League to play in the Quebec Major Junior Hockey League and then go on to the National Hockey

League. I can imagine parents telling their child: "Well, son, no more hockey. You will play soccer or golf, but after what I saw, that is unacceptable. I do not want you to get hurt."

In my career, I saw some big and also some small hockey players: Denis Savard, Steve Yzerman, Vincent Lecavalier and Doug Gilmore, to name but a few. All but Vincent Lecavalier were small players. However, I never saw hits that were as vicious as the ones nowadays. Today especially, as the father of four children, including one boy, I am thinking of the image being projected with the violence that has been rampant in professional hockey for many years.

**Some Hon. Senators:** Bravo!

**Senator Demers:** I was discussing this earlier with some colleagues, including Senator Cowan. Everyone is talking to me about it. For those trying to find an explanation for such an action, I can tell you that there is none. Professional coaches and minor hockey coaches always tell their players to finish the check. If you give a good check, you come back to the bench, are tapped on the shoulder and told, "Good check. Good job."

Now we have a major problem: we must not be too emotional!

Now more than ever, the National Hockey League must set an example for youth. There are fewer Canadian and Quebec players in the National League. Playing in North America is more difficult for the players who come from all over Europe.

In Detroit, I coached Börje Salming, a Swedish player who paid a high price because he was not accepted. He was a talented player who loved to control the puck and play hockey as it should be played.

Yes, hockey is a physical sport. It is a sport that sometimes calls for checks, but not like the one I saw on Tuesday night.

[English]

## WORLD PLUMBING DAY

**Hon. Donald Neil Plett:** Honourable senators, I have been waiting most of my life to be able to make the following statement.

Each and every year, we recognize worthy organizations, groups and causes by specifically dedicating a day to them. I happily rise today to recognize World Plumbing Day, which is celebrated around the world on March 11, 2011.

Plumbers of the world take heart; we are finally being given the recognition we so richly deserve. After all the cruel plumber jokes we have endured, we finally are being recognized for all we do for society.

Honourable senators, every single person on this planet is affected by the availability of clean drinking water and basic sanitation. In its second celebrated year, World Plumbing Day aims to help the general public better understand the vital role the plumbing industry plays in protecting both the public's health and safety in both developed and developing nations.

Currently, it is estimated that 3.1 million children die each year as a result of water-related diseases. The World Plumbing Association strives to end these unnecessary deaths by underscoring the vital role the plumbing industry plays in the provision of clean drinking water and basic sanitation in developing nations.

World Plumbing Day was established in 2010 by the World Plumbing Association. There are currently two Canadian organizations that are members of the World Plumbing Association: The Mechanical Contractors Association of Canada and the Canadian Institute of Plumbing and Heating. As two of Canada's leading national trade associations, these organizations are committed to environmental protection, particularly with regard to constructing energy-efficient buildings, sustainability, safe drinking water and the development of codes and industry standards that help safeguard Canadian consumers.

• (1350)

Honourable senators, please join me tomorrow in celebrating World Plumbing Day and congratulating the World Plumbing Council and its Canadian member organizations, the Mechanical Contractors Association of Canada and the Canadian Institute of Plumbing and Heating, on the crucial role they play in promoting the importance of the plumbing industry, both in developed countries like Canada and in developing countries where good plumbing helps to save lives.

[Translation]

#### ACCESSIBILITY FOR PEOPLE WITH DISABILITIES

**Hon. Suzanne Fortin-Duplessis:** Honourable senators, on March 4, 2011, I was very pleased to take part in an announcement regarding accessibility for people with disabilities at the Carrefour communautaire de Rosemont, l'Entre-Gens, an organization in Montreal.

This announcement demonstrates that we recognize the abilities of all Canadians, and it celebrates the progress we have made as a society towards the full inclusion of people with disabilities. Our government is investing \$14.2 million in 297 projects to improve access to facilities, activities and services and to help Canadians participate fully in their communities. Furthermore, building on this program's success, in Budget 2010, we granted an additional \$45 million over three years in order to remove barriers for people with disabilities.

The building in which the announcement was made was an excellent example of what our government is trying to achieve. Through the Enabling Accessibility Fund in 2007, we invested \$75,000 in a renovation project for that very place.

Honourable senators, I am particularly proud of the Enabling Accessibility Fund, which supports community-based projects across Canada that improve accessibility and enable Canadians, regardless of physical ability, to participate in their communities and contribute to the economy.

At the same time, these activities contribute to local job creation, which is very important in this period of economic recovery. Thus, it is clear that our government is giving priority to jobs and growth at the same time.

But that is not all. Financial stability is another factor that influences well-being. We fully understand that and we continue to support Canadians with disabilities and their families through programs and initiatives such as the Registered Disability Savings Plan, the Disability component of the Social Development Partnerships Program, the Disability component of the Canada Pension Plan, the Opportunities Fund for Persons with Disabilities and post-secondary education assistance measures for students with disabilities.

[English]

Being a person with a disability should not be an obstacle to enjoying life or contributing to society. In the course of *Canada's Economic Action Plan*, the government invested in communities across Canada to ensure that no one has to stop participating in society because of a physical obstacle. When those who are physically disabled can more easily access a service or building, they feel freer, and this feeling is strong.

[Translation]

Through this initiative, thousands of people now have access to services and organizations that they were unable to access in the past, and more and more people will benefit from the fund in the future.

In closing, I am tremendously pleased that, by eliminating barriers in this way, our government is helping communities come together to become even more solid and strong.

[English]

#### PUBLIC SERVICE ALLIANCE OF CANADA

##### ALLEGATIONS OF RACISM

**Hon. Donald H. Oliver:** Honourable senators, I rise today to call your attention to an article that was published in the March 3 edition of *The Gazette* in Montreal. The article discusses a race-motivated incident that took place on Monday, February 21, at the Montreal office of the Public Service Alliance of Canada.

Two Black union organizers received racially charged letters in their office mail slots. *The Gazette* writes:

The hate mail has brought to light troubling allegations of racism in the public-sector union's Quebec division.

The letter begins with:

SPEAK NEGER BLACK.

It goes on to say:

It's well-paid we have all the jobs that pay. Where and when we want. Incompetence included.



One of the two employees received a second letter. The anonymous four-sentence bilingual message reads as follows: [Translation]

Speak Black it's better.

[Translation]

You work when you want to. You have the big job and the big money. No one asks anything of you. Every day is a weekend.

[English]

Two days after the incident, Regional PSAC Coordinator Bertrand Lavoie called a staff meeting to explore ways to improve the atmosphere at work. PSAC President John Gordon said that he is "very disturbed" by the hate mail and is steadfast in getting to the bottom of it.

Earlier today, I was told that PSAC has hired two independent external professionals to investigate these allegations of racism.

As reported by *The Gazette*, both employees believe the letters are linked to a controversial incident that took place in December 2009 at a national conference in Ottawa. At that time, PSAC Quebec staffers read the notorious poem, "Speak White," written by Michèle Lalonde in 1968. They also showed a six-minute film inspired by the poem, which featured images of the Ku Klux Klan.

Honourable senator, PSAC is one of Canada's largest unions. It represents more than 170,000 people, the majority of whom are federal government employees. The PSAC constitution states:

... every member is entitled to be free from discrimination and harassment, both in the union and at the workplace.

Yet, these incidents have taken place in the workplace.

Honourable senators, it is both upsetting and worrisome to know that the union that defends thousands of public servants and fights for a racism-free work environment is at the heart of a racism scandal. It shows us that no group, individual or workplace is sheltered from racial discrimination.

I am relieved to know that PSAC is not taking this matter lightly. It is taking the necessary measures to look into this incident and find ways to make its workplace more inclusive and tolerant.

We, in the Senate, have a moral obligation to raise these issues of racism and discrimination in the workplace. We must strive to make our society a zero-tolerance environment.

[ Senator Oliver ]

## ROUTINE PROCEEDINGS

### INFORMATION COMMISSIONER

#### SPECIAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, pursuant to section 39 of the Access to Information Act, I have the honour to table, in both official languages, a special report, entitled: *Open Outlook, Open Access — 2009-2010 Report Cards*.

### CRIMINAL CODE

#### BILL TO AMEND—EIGHTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

**Hon. Joan Fraser,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, March 10, 2011

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

#### EIGHTEENTH REPORT

Your committee, to which was referred Bill C-30, An Act to amend the Criminal Code, has, in obedience to the order of reference of Thursday, March 3, 2011, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER,  
Chair

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Angus, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[English]

### IMMIGRATION AND REFUGEE PROTECTION ACT

#### BILL TO AMEND—SIXTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

**Hon. Art Eggleton,** Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, March 10, 2011 [English]

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### SIXTEENTH REPORT

Your committee, which was referred Bill C-35, An Act to amend the Immigration and Refugee Protection Act, has, in obedience to the order of reference of Tuesday, March 1, 2011, examined the said bill and now reports the same without amendment.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

ART EGGLETON,  
*Chair*

(For text of observations, see today's Journals of the Senate, p. 1293.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Eaton, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

• (1400)

[Translation]

#### AERONAUTICS ACT

##### BILL TO AMEND—SEVENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

**Hon. Dennis Dawson,** Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, March 10, 2011

The Standing Senate Committee on Transport and Communications has the honour to present its

#### SEVENTH REPORT

Your committee, to which was referred Bill C-42, An Act to amend the Aeronautics Act, has, in obedience to the order of reference of Wednesday, March 9, 2011, examined the said bill and now reports the same without amendment.

Respectfully submitted,

DENNIS DAWSON  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator MacDonald, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

#### FREEZING ASSETS OF CORRUPT FOREIGN OFFICIALS BILL

##### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-61, An Act to provide for the taking of restrictive measures in respect of the property of officials and former officials of foreign states and of their family members.

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be read the second time later this day.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading later this day.)

#### PATENT ACT

##### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

(On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading two days hence.)

#### PROTECTION OF INSIGNIA OF MILITARY ORDERS AND MILITARY DECORATIONS AND MEDALS BILL

##### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-473, An Act to protect insignia of military orders and military decorations and medals that are of cultural significance for future generations.

(Bill read first time.)



**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

## CANADA POST CORPORATION ACT

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-509, An Act to amend the Canada Post Corporation Act (library materials).

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

[Translation]

## INTER-PARLIAMENTARY FORUM OF THE AMERICAS

REGIONAL TRADE KNOWLEDGE WORKSHOP  
FOR PARLIAMENTARIANS OF THE AMERICAS,  
CONGRESS OF THE UNITED MEXICAN STATES,  
MAY 20 TO 22, 2010—REPORT TABLED

**Hon. Céline Hervieux-Payette:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian Section of the Inter-Parliamentary Forum of the Americas, respecting its participation at the Regional Trade Knowledge Workshop for Parliamentarians of the Americas, Congress of the United Mexican States, held in Mexico City, Mexico, from May 20 to 22, 2010.

EXECUTIVE COMMITTEE MEETING,  
JUNE 5, 2010—REPORT TABLED

**Hon. Céline Hervieux-Payette:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian Section of the Inter-Parliamentary Forum of the Americas, respecting its participation at the 22nd Executive Committee Meeting of the Inter-Parliamentary Forum of the Americas, held in Asuncion, Paraguay, on June 5, 2010.

MEETING OF THE GROUP OF WOMEN  
PARLIAMENTARIANS OF THE AMERICAS,  
NATIONAL ASSEMBLY OF ECUADOR,  
AUGUST 11-12, 2010—REPORT TABLED

**Hon. Céline Hervieux-Payette:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian Section of the Inter-Parliamentary Forum of the Americas, respecting its

participation at the Meeting of the Group of Women Parliamentarians of the Americas, National Assembly of Ecuador, held in Quito, Ecuador, August 11-12, 2010.

## THE SENATE

### NOTICE OF MOTION TO REQUEST FISHERIES AND OCEANS COMMITTEE TO STUDY SPECIFIC MEASURES TO SUPPORT INUIT AND ABORIGINAL SEALERS

**Hon. Mac Harb:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate request that the Standing Committee on Fisheries and Oceans investigate specific measures to support the Inuit/Aboriginal sealers given their designated exemption included in the European Union ban on commercial seal products.

• (1410)

[English]

## VOLUNTEERISM

### NOTICE OF INQUIRY

**Hon. Terry M. Mercer:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to Canada's current level of volunteerism, the impact it has on society, and the future of volunteerism in Canada.

## CANADA BORDER SERVICES AGENCY

### NOTICE OF INQUIRY

**Hon. Wilfred P. Moore:** Honourable senators, I give notice that, on Tuesday, March 22, 2011:

I will call the attention of the Senate of Canada to the Canada Border Services Agency, its operation and oversight.

## MULTIPLE SCLEROSIS AND CHRONIC CEREBROSPINAL VENOUS INSUFFICIENCY

### NOTICE OF INQUIRY

**Hon. Jane Cordy:** Honourable senators, I give notice that, two days hence:

I will draw the attention of Senate to those Canadians living with multiple sclerosis (MS) and chronic cerebrospinal venous insufficiency (CCSVI), who lack access to the "liberation" procedure.

## QUESTION PERIOD

### TREASURY BOARD

#### OFFICIAL REFERENCES TO GOVERNMENT OF CANADA

**Hon. Tommy Banks:** Honourable senators, my question is to the Leader of the Government in the Senate.

Minister, I had planned to ask last Tuesday about the relatively new practice of heading government announcements with "Harper Government" as opposed to "Government of Canada." I eschewed asking the question then because a letter to the editor appeared in *The Globe and Mail* on Tuesday from the Prime Minister's office in which the point was made that the heading is common practice, has always been a practice and previous governments used it. Before I spoke, I decided to look into whether that is true. I have been unable to find any instance during the administrations of previous prime ministers before the year 2000 in which an announcement was headed by anything other than "Government of Canada."

I have looked assiduously. I have seen many instances in which news reports refer to the "Mulroney government," the "Chrétien government," the "Martin government," and even the "Campbell government;" but I have been unable to find an example that has said anything other than "Government of Canada" in a heading that emanated from a Government of Canada office.

I downloaded a list of announcements during the last few days, each of which is headed "Harper Government" right beside the Canadian flag on government letterhead. In every other case, right beside the flag on government letterhead when announcements were made by prior governments it said, "Government of Canada." I have a long list; but I will not bore honourable senators by reading it. Each of the announcements by the government begins with "Harper Government announces . . .".

This is a matter of good taste and convention. However, since this matter no doubt has been called to the attention of the government, will it reconsider that practice?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, Minister Day, President of the Treasury Board, stated in the other place when asked a similar question that the government will continue to use the word mark "Government of Canada," which is wellknown. It is not uncommon at all to use various terms. It has been a long-standing practice.

For many years through the 1970s and the 1980s, the government was referred to as the "Trudeau government." When I had the pleasure and honour of working for Mr. Mulroney in the Prime Minister's Office, the government was often referred to as the "Mulroney government." The practice continued with the many references to the "Chrétien government" and the "Martin government." These references are common practice. The term "Harper government" is used widely by journalists and by the public, in particular by the Liberal Party.

**Senator Banks:** I thank the minister for her answer. However, I am talking about the headings that appear on announcements made by the Government of Canada. I am hopeful that the leader will be able to show us an example of a government announcement made under the governments of Mr. Trudeau, Mr. Martin, Mr. Chrétien or Mr. Mulroney that has anything in its heading other than "Government of Canada." I am not talking about the body of the announcement but about its heading. The leader said that government announcements made during a prior administration were headed by "Trudeau government." I was unable to find any such thing, as hard as I looked; and I had the assistance of researchers from the Library of Parliament who could not find any such thing.

If there is such an example, I would still regard it as wrong. It does not matter under whose leadership the government is; it is the Government of Canada. This government is not any one person's government; it is the Government of Canada. I hope that the leader will be able to show an example of that practice in the past and, if not, that she will undertake to ask whether her government will eschew that practice. It is wrong to say under the flag of Canada in a heading of a government policy announcement, the "Harper Government" or anybody else's government. If Liberal governments used the practice in the past, I am ashamed. I ask the leader to show examples of such a practice.

**Senator LeBreton:** Honourable senators, we have many issues facing the country. The government is concentrating on jobs and the economy. These process questions that tie up the good folks around Parliament Hill are interesting, but they do not exactly impact on the day-to-day lives of Canadians. I wish to state again that the government will continue to use the term "Government of Canada" in its announcements.

### CITIZENSHIP AND IMMIGRATION

#### IMMIGRANT SETTLEMENT SERVICES

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, it was learned earlier this week that the federal government will cut funding to a highly successful immigration settlement program in Ontario, the province that welcomes the highest number of newcomers in Canada.

The Settlement Workers in Schools program is a no-cost, school-based settlement service that helps immigrant students adapt to a new life in Canada and connect their parents with community resources. Ms. Catherine Fife, President of the Ontario Public School Boards' Association, has expressed publicly her worries about the \$43 million funding reduction in Ontario, citing that some school boards will have to close their community welcome centres, eliminate teachers and settlement workers, and reduce the operating costs of their settlement programs in the summer, which is a peak time when newcomers visit these facilities to enrol their children.

• (1420)

This is a question of justice and equity. The Minister of Citizenship and Immigration has no problem spending taxpayers' dollars to woo ethnic voters. In fact, spending in the minister's



office has increased by 35 per cent since he has held that portfolio. However, when it comes to giving newcomers the tools they need to adapt and settle into our country, the minister is prepared to cut the necessary funding.

Why are settlement services not a priority for this Harper government?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, let me correct the statement that the honourable senator made that the budget was increased by 35 per cent. That amount consisted of moving over a significant portion from the Minister of Canadian Heritage to Minister Kenney. This was the result of taking on more responsibilities and, obviously, the funding that went along with that moved with it.

With regard to settlement funding in Ontario, upon coming to office in 2006, our government cut the Right of Landing Fee in half, saving newcomers to Ontario approximately \$200 million. We also tripled funding for settlement services for newcomers across Canada, after it had been frozen by the previous government for over a decade.

I have answered this question before, honourable senators. I was interested to see an article in the paper a couple of days ago about the Premier of Nova Scotia lauding the Province of Manitoba for their successful campaign in attracting new immigrants to that province.

However, because there is a shift in where newcomers are settling, realigning funding across the country was the responsible thing to do. Of course, the government seeks out and values newcomers in Ontario and across Canada. These actions are simply a reflection of moving the funding and the dollars to where the immigrants are actually settling.

**Senator Tardif:** No matter if there has been a transfer of funds, it is still one department.

[Translation]

The immigrant population is very vulnerable. Educators across Ontario fear that these cuts will make children of immigrants fall even further behind their Canadian counterparts. Did the Minister of Citizenship and Immigration produce an impact study before making the decision to cut the program? If not, on what data and on what factors did he base his decision?

[English]

**Senator LeBreton:** First, honourable senators, a significant portion from the Department of Canadian Heritage was moved to Citizenship and Immigration under Minister Kenney. Therefore, the funding required to administer that program moved to him as well. It is incorrect to say that the budget was increased. Minister Kenney's responsibilities were increased and the funding that was previously with Canadian Heritage simply moved over to Citizenship and Immigration.

As much as the honourable senator tries to disseminate the story that we cut funding, the fact is that we did nothing of the sort. I answered this question the first time around. We tripled the amount of money for immigrant placement and we

have simply moved the funds to accommodate the immigrants where they are actually settling. Just as in the situation where an office in one part of the country was funded because immigrants were there and now immigrants are no longer there, we have moved the funding to where immigrants are actually settling.

I want to ensure the record is clear. We have not cut the funding. We have tripled the amount of funding.

**Some Hon. Senators:** Hear, hear!

**Senator Tardif:** Honourable senators, I am puzzled, because the district school boards in Ontario are saying that their demands continue to grow. The fact is that the government is cutting there because it is giving money elsewhere. How can one explain to these school boards that the demand is not there, when the demand keeps growing in these areas? I cannot believe that Toronto's demand is not increasing. Is the leader saying that the government is not cutting interpretation and language services, community centres or teachers in these areas?

**Senator LeBreton:** Honourable senators, I am saying that the money that has been set aside, which we have tripled, is being targeted in the areas where the immigrants are now settling.

Programs are set up to deal with a specific situation. If the recipients of the programs are no longer in a position where they require these services, but the services are required 100 miles down the road, where immigrants are now settling, obviously that is where the money should be expended.

Is the honourable senator suggesting that when immigrants settle in Hamilton, the outskirts of Toronto, Nova Scotia or Manitoba, just because some organization in Toronto has received money since the beginning of a program, that somehow or other they should keep receiving money, even though the need is not there and other areas are denied funding? That is what the honourable senator is suggesting.

## INFRASTRUCTURE

### IMPROVED ELECTRICAL TRANSMISSION BETWEEN PRINCE EDWARD ISLAND AND NEW BRUNSWICK

**Hon. Elizabeth Hubley:** Honourable senators, my question is for the Leader of the Government in the Senate. Monday night was a dark night for Prince Edward Islanders. One of the province's two power cables to the mainland failed, leaving 23,000 households without power and others subjected to rolling blackouts. These power cables are rapidly aging, and the inevitability of further failures is of great concern to Islanders.

In February, Senator Callbeck asked the government about the status of P.E.I.'s funding application for a new cable under the Green Infrastructure Fund. When can we expect to hear an update about the status of that application? In light of the urgency of the situation, what is the government doing to ensure that Prince Edward Islanders do not have to live in fear of a catastrophic power cable failure?

**Hon. Marjory LeBreton (Leader of the Government):** I will take the honourable senator's question as notice and obtain the information she asks for.

**Senator Hubley:** I thank the leader for that and have a supplementary question. Considering that funding for a third power cable is a major priority for Prince Edward Island, can we expect to see it included in the government's upcoming budget?

**Senator LeBreton:** The short answer to that is, wait until the budget on March 22.

[Translation]

## FOREIGN AFFAIRS

### EVACUATION OF CANADIAN CITIZENS FROM LIBYA— FOREIGN SERVICE PERSONNEL

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government and brings us back a bit to a previous question, but I will ask it in order to elaborate on the matter.

[English]

I wish to raise the question of the evacuation of Canadians out of Libya. We have learned from previous experience that, for example, we should not entertain the possibility of instilling a no-fly zone on a country that is in conflict and imploding until we are sure that our own people have been evacuated for a series of obvious reasons. We have witnessed the length of time it has taken to move Canadians out of Libya and, as of today, we are still not sure whether or not they have been completely evacuated.

From previous experience, we know that embassies are to hold registers of all Canadians in the country, which are continuously updated by their staff; a network of wardens for communications purposes, for fanouts and so on; and an active evacuation plan that can be exercised in a moment of crisis.

Can the leader tell us whether or not those three fundamental requirements were established and functioning at the embassy in Libya?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the embassy in Libya had more people working for it under our government than under the previous government. If people were to remove themselves from the minutiae around this place and read the daily reports, they would know that over the last week, the Canadian government has sent in Hercules aircraft and removed more Canadians and foreign nationals from other countries.

• (1430)

Our diplomatic and military personnel have done a magnificent job in Libya, working around the clock to evacuate Canadian citizens and the citizens of our allies. To date we have facilitated the evacuation of a large number of Canadians. As the honourable senator is aware, a number of Canadians were not registered with the embassy. However, as I just pointed out, the evacuation effort is ongoing. We continue to cooperate and share resources with our allies to get all our citizens home safely. For their own safety, we evacuated the Canadian personnel working at the embassy in Libya. They are working out of Malta with our allies, officials from the Department of Foreign Affairs and

International Trade and the Department of National Defence. Staff members from the embassy in Libya have been on each Canadian aircraft to leave that country with Canadian citizens on board. We owe a great deal of gratitude to our hard-working Foreign Affairs workers, who have been working under chaotic and difficult conditions in Libya.

Honourable senators, Canada is not unique in this situation, as I believe I have pointed out to Senator Dallaire. If one watches the American news channels, one can see that the American government is having great difficulty evacuating its citizens as well. It is a chaotic situation, but we believe that we have dealt with the situation in the best way possible. Canada was among the first group of countries to call for a referral to the International Criminal Court.

Honourable senators, the situation in Libya is still very tenuous, very dangerous. The situation changes by the hour, if not by the minute. Our officials in Foreign Affairs and National Defence have done great work. They have been working around the clock. They deserve nothing but our thanks and praise.

**Senator Dallaire:** Honourable senators, I do not know why my query on the technical aspects of the duties of the people who are deployed, who are responsible for reacting in crises — and, that is why they are trained; that is their job, namely, to ensure that they do the best possible work within a crisis, which is normal — seems to leave the leader with the impression that I am criticizing the work that they are doing. I have no inclination to raise such an issue.

Honourable senators, I am asking the leader whether the procedures that were in place in Libya were up to date according to previous experiences. I am asking the leader this question because the delays in getting our personnel out of Libya is preventing us from performing more significant actions to help the Libyans, which ultimately is the game. I refer to instituting a no-fly zone. In addition, there are other imploding nations coming online.

Honourable senators, I should like to know whether we have learned from the past, whether we can apply it here, in Libya, and whether the procedures are adequate and we are prepared for the next round that will be coming probably in weeks.

**Senator LeBreton:** Honourable senators, I will answer very simply — in fact, I think I have already answered the honourable senator's question. Our people working out of our embassy in Tripoli were well prepared and stayed there and worked diligently to identify Canadians residing in Libya. As the honourable senator is aware, the companies that were in Libya had certain responsibilities for their employees also. I would say absolutely our personnel were prepared, as much as possible.

Honourable senators, other than some industries, Libya was not a country that many people visited. The fact is that we have Foreign Service personnel in all of these countries. I would only say to the honourable senator that, in this ever-changing world, we can do all the planning and do our very best — and that is what they do — but sometimes circumstances arise that are totally beyond our control. No one could have anticipated the extent of the situation that occurred in Tripoli.



**Senator Dallaire:** Honourable senators, imploding nations and nations that fall into civil war are not a new phenomenon. There are circumstances that are, maybe, specific to the actual country. However, the experienced diplomatic corps, with the locals that they hire, are in a position to apply procedures that have been established in order to ensure that, should a state start to go down that route, certain procedures are launched and actions are taken. In the past, we have had reason to be concerned whether those procedures and actions have been properly executed. We have had reason to be concerned whether the lessons learned in the past are being applied properly. We are concerned that people are being evacuated in the most effective way; and whether, in fact, the companies that are in Libya are informing the embassy as they should be and, in so doing, preventing potential loss of life.

Honourable senators, the report of the Standing Senate Committee on National Security and Defence recommended some time ago that the government undertake a study regarding the experience in Lebanon. Has that study ever been done? Have those lessons learned been applied in Libya? Are they ready and have they been disseminated throughout the diplomatic corps in the different missions where they could be used in imploding nations?

**Senator LeBreton:** I am quite certain, honourable senators, that in all of these circumstances, after our officials, whether at Foreign Affairs or National Defence, are confronted with situations most people could not anticipate in advance, a post-mortem is done and they work on best practices and apply these practices in anticipation of future uprisings of this nature.

**Senator Dallaire:** The leader's assurances are positive. As I am not getting a response from the leader that she will query Foreign Affairs about their procedures, I must accept the response of the leader that they are doing it to the best of their ability. However, that usually stands until people get killed and are forgotten. All of a sudden, people then turn around and ask, "Why was the situation not handled more effectively?" We then discover that maybe the lessons were not passed on. Maybe it is not part of the program that the diplomatic corps and the apprentices in the diplomatic corps are learning.

Mr. Mustafa Gheriani, spokesperson for the National Libyan Council, said recently:

We know Canada's history and tradition favouring human rights and human dignity. And we are saying we need you now. Not tomorrow. This is the moment where it can really count.

This is with regard to Canadian involvement in this crisis.

Honourable senators, to follow from our diplomatic corps, and to get the people out in time, have we started to do contingency planning to move F-18s to a no-fly zone? Have we put any of our forces on any state of alert to be out there and establishing protection for the internally displaced camps that are under threat at this moment?

• (1440)

**Senator LeBreton:** I will address the no-fly zone issue in a moment. Honourable senators, Libya is approximately the size of the province of Quebec with a population of 6 million people, as well as many foreign nationals from many countries.

I saw people on the CBC saying, "Do something. Why aren't you going in and rescuing my family members?" In many cases, the person in question had not even registered. It is as if, with a snap of the fingers, the Canadian government and our diplomatic and Department of National Defence people could drop into the desert like Spider-Man and pick up two or three people. Any reasonable person would say that is not possible.

Every effort was made by the Canadian government. I have previously sent the honourable senator a note about the number that had been evacuated from Libya at that time. If we were not all caught up with the minutiae here this past week, we would have noticed there have been releases from the government on the number of Canadians that have been evacuated on the Hercules. The Hercules has more options for landing.

With regard to the no-fly zone, the honourable senator knows that our government is working with like-minded partners and the United Nations to address the unacceptable situation and the bloodshed that is happening in Libya. As the Minister of National Defence, the Minister of Foreign Affairs and the Prime Minister have said, no options are off the table. However, the honourable senator is asking if we will ship the CF-18s to Libya. If we followed the policy that the honourable senator's party is advocating, we would not have any aircraft anywhere to participate in any exercise.

## ORDERS OF THE DAY

### CANADA PENSION PLAN

#### BILL TO AMEND—SECOND READING— SPEAKER'S RULING—ORDER WITHDRAWN

On the Order:

Resuming debate on the motion of the Honourable Senator Callbeck, seconded by the Honourable Senator Poy, for the second reading of Bill S-223, An Act to amend the Canada Pension Plan (retroactivity of retirement and survivor's pensions).

**The Hon. the Speaker:** Honourable senators, I am prepared to rule on the point of order that was recently brought up with respect to Bill S-223, An Act to amend the Canada Pension Plan (retroactivity of retirement and survivor's pensions).

On March 1, Senator Comeau raised a point of order challenging the proceedings on Bill S-223. He argued that the bill creates new expenditures which require a Royal Recommendation. Consequently, the Senator contended that the bill cannot originate in the Senate under rule 81.

[Translation]

Neither Senator Tardif nor Senator Callbeck, who introduced the bill, agreed with this position. They noted that the monies that would go to the recipients identified in the bill are already

available in the Canada Pension Plan (CPP) fund. They also referred to a legal opinion obtained by Senator Callbeck. According to this opinion, the payments from the CPP are not part of the Consolidated Revenue Fund (CRF), and therefore Bill S-223 does not meet the test of a money bill under the terms of the Constitution Act, 1867.

[English]

Questions about the Royal Recommendation, what it is, and how it can be identified, frequently lead to points of order in the Senate like this one. Honourable senators will remember a series of rulings on this topic in February 2009.

The *House of Commons Procedure and Practice* identifies the Royal Recommendation as an instrument by which the Crown advises Parliament of its approval of a legislative measure involving the expenditure of public funds. The Royal Recommendation can only be secured by a Minister and bills that require a Royal Recommendation cannot originate here in the Senate. Since 1976 the text of the Royal Recommendation is in the following words: "His/Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in a measure entitled [long title of the bill] . . ."

[Translation]

The question raised by this point of order must be resolved in accordance with the forms and practices that are currently in place. The language of Bill S-223 clearly states that a CPP benefit will be extended to certain individuals who are not receiving it now. The bill states that "This enactment amends the *Canada Pension Plan* so that a person who applies for a retirement pension after reaching 70 years of age or who applies for a survivor's pension would be eligible to receive retroactive payments for a maximum of five years instead of the current maximum of 12 months."

[English]

On its face, the language of Bill S-223 certainly entails a requirement for the Royal Recommendation that also necessitates its initial consideration by the other place before coming to the Senate. However, the sponsor of the bill denies that this is the case on the basis that the bill is not properly a money bill since the funds of the CPP are not really part of the CRF.

The original Act that created the CPP dates from 1965. Its objective then was to "establish a comprehensive program of old age pensions and supplementary benefits in Canada payable to and in respect of contributors." The bill implementing the CPP was introduced in the House of Commons and was accompanied by a Royal Recommendation.

The funds that finance the CPP are public money. Although the Canada Pension Plan account is a separate account recording the financial elements of the plan, section 108 of the CPP provides that it is established within the CRF. While it is not used as a source of general revenue by the government, this does not mean that it is not public money for the purposes of rule 81. This rule states that "The Senate shall not proceed upon a bill

appropriating public money that has not within the knowledge of the Senate been recommended by the Queen's representative."

[Translation]

Parliamentary practice stipulates that any new or additional legislative authorization for spending from the CRF must be accompanied by a Royal Recommendation. Bill S-223 seeks to alter the conditions that are attached to the CPP by increasing the period of retroactivity to five years from the current 12 months. Although spending from the CPP is derived from its own separate account, it is made through the CRF. As such, any changes to the CPP which would entail increased spending require a Royal Recommendation.

[English]

In conclusion, it is my ruling that the provisions of Bill S-223 require a Royal Recommendation and that, as a consequence, it cannot originate in the Senate. The point of order is well founded; proceedings on the bill must cease and Bill S-223 will be discharged from the Order Paper.

## BUSINESS OF THE SENATE

**Hon. Marjory LeBreton (Leader of the Government):** As a point of clarification, I will correct the reference that was made during Question Period.

This correction is in answer to a question by Senator Banks, who indicated the use of the term the "Harper Government" was unprecedented. I want to read into the record something from the Privy Council Office, dated March 23, 2004:

Paul Martin government announces prudent and ambitious budget

Budget 2004 announced today by the Paul Martin government is a focussed plan of responsible financial management and fiscal prudence. . . .

• (1450)

I am only saying this, Your Honour, because I want it to be on the record that Senator Banks ought to find a new search engine.

[Translation]

## THE ESTIMATES, 2010-11

### SUPPLEMENTARY ESTIMATES (C)—TENTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Joseph A. Day,** Chair of the Standing Senate Committee on National Finance, presented the following report:



Thursday, March 10, 2011

The Standing Senate Committee on National Finance has the honour to present its

#### TENTH REPORT

Your committee, to which were referred Supplementary Estimates (C), 2010-2011, has, in obedience to the order of reference of Wednesday, February 9, 2011, examined the said Estimates and herewith presents its report.

Respectfully submitted,

JOSEPH A. DAY,  
*Chair*

(For text of report, see today's Journals of the Senate, Appendix A, p. 1304.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

#### BUSINESS OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, pursuant to rule 27(1), I wish to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: second reading of Bill C-59; second reading of Bill C-61; third reading of Bill S-13; and finally, second reading of Bill S-8.

#### CORRECTIONS AND CONDITIONAL RELEASE ACT

##### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Smith (*Sauvé*), seconded by the Honourable Senator Marshall, for the second reading of Bill C-59, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts.

**Hon. Céline Hervieux-Payette:** Honourable senators, I rise today to speak against Bill C-59 based on fundamental principles. I was inspired by a letter that was sent to Prime Minister Stephen Harper on December 17, 2010.

The Church Council on Justice & Corrections condemned the Conservative government for its handling of criminal justice issues, saying that it is not serving victims, offenders or Canadian society. I share that opinion.

I would like to read you several paragraphs of this letter that Christian bishops of various denominations sent to the Prime Minister. I do not intend to read the entire letter, just the paragraphs that are completely relevant to Bill C-59:

The Church Council on Justice and Corrections (CCJC) is most concerned that in this time of financial cuts to

important services you and the government of Canada are prepared to significantly increase investment in the building of new prisons.

Proposed new federal laws will ensure that more Canadians are sent to prison for longer periods, a strategy that has been repeatedly proven neither to reduce crime nor to assist victims. Your policy is applying a costly prison response to people involved in the courts who are non-violent offenders, or to repeat offenders who are mentally ill and/or addicted, the majority of whom are not classified as high risk. These offenders are disproportionately poor, ill-equipped to learn, from the most disadvantaged and marginalized groups. They require treatment, health services, educational, employment and housing interventions, all less expensive and more humane than incarceration.

Bill C-59 will require costly measures. I have been given figures, but not by the government. We are still waiting for the official figures. However, at the very least, we have learned from government reports that the estimated average annual cost per offender is \$88,000.

If the person remains in jail for the entire term of his sentence, the annual cost will increase by \$130 million, not to mention the cost of additional facilities because we will have to keep an additional 1,500 people in prison per year.

The letter continues:

The Canadian government has regretfully embraced a belief in punishment-for-crime that first requires us to isolate and separate the offender from the rest of us, in our minds as well as in our prisons. That separation makes what happens later easier to ignore: by increasing the number of people in jail for lengthier sentences you are decreasing their chance of success upon release into the community.

I will skip the next paragraph and continue:

Increasing levels of incarceration of marginalized people is counter-productive and undermines human dignity in our society. By contrast, well supervised probation or release, bail options, reporting centres, practical assistance, supportive housing, programs that promote accountability, respect and reparation: these measures have all been well-established, but they are underfunded.

We are spending \$130 million to jail people who should be starting their rehabilitation.

Their outcomes have proven to be the same or better in terms of re-offence rates, at a fraction of the cost and with much less human damage.

Public safety is enhanced through healthy communities that support individuals and families. We, therefore, respectfully ask you to modify your government's policy

taking into consideration the impact it will have on the most disadvantaged, its lack of effectiveness, and its serious budgetary implications.

The bill was introduced on February 9, 2011, whereas this letter is dated December 17, 2010. Either the Prime Minister does not read his mail or he does not listen to people whom I consider to be completely objective and very knowledgeable about the issue.

I think this approach in Bill C-59 has already been proposed, but for high-stakes white collar crime. We are not talking about misappropriating \$50 from a bank account. We are talking about crimes involving \$100,000 or more. Our party had already agreed to delaying permission for those prisoners to begin their rehabilitation.

This proposal was made by the Liberal Party 18 months ago, but it was ignored. Mr. Lacroix has been released in the meantime; now he is in a halfway house. This is someone who defrauded and robbed good people of several million dollars. If the bill had passed at the time, Mr. Lacroix would still be incarcerated and reflecting on the all the harm he caused to those whose savings he stole.

Let me tell you about the people who will be affected by Bill C-59. Some 61 per cent of the people who will be affected are women, one third of whom are Aboriginal, and often they have addiction problems. That is a far cry from criminals like Earl Jones and Vincent Lacroix.

• (1500)

So 1,500 people will end up behind bars without a chance of receiving rehabilitation services or addiction treatment and all at the taxpayers' expense at a time of budgetary cuts. I find this approach completely reactionary and even backward. We are going back 50 years, as though no studies had been done. Studies justifying this bill will have to be tabled in the committee charged with examining this issue. To my knowledge, no serious sociological or psychological study has been done by human behaviour professionals proving that this approach works. We saw what happened in the United States when a similar system was applied. The Supreme Court ordered the State of California to release 40,000 prisoners because there was so much confusion and such great expense that today the state is practically bankrupt.

I do not believe that the government should focus its priorities on keeping individuals who are already victims of society in prison. I am talking about people other than women, many of them Aboriginal, and youth in particular. Do we really want to leave these youth, who are just starting out, in prison longer? I suppose that is how they will learn to commit more serious offences, since it is often said that prison is a school for crime.

The John Howard Society does not support this bill, which specifically targets people who have committed serious crimes, such as white-collar crime of \$100,000 or more. It would also abolish accelerated parole review. We are talking about 1,500 cases. Once the criteria for automatic parole after one-sixth of the sentence have been looked at, it will be nothing but red tape and administrative delays. But I thought the Conservative Party was against all that. There again, they need to explain why they would create all this bureaucracy and why they would leave people behind bars for an indeterminate period.

The Elizabeth Fry Society does not support this legislation either. In two cases in Quebec, more than 500 women will be penalized. These women already have problems, and they most likely have children waiting for them at home. And these women have nothing to do with the white-collar crime the government is trying to deal with.

The Barreau du Québec also opposes this bill and has serious concerns about the fact that the law would be retroactive. And I have similar concerns. We have a Constitution. And usually, that means that when someone is sentenced, the rules of the game cannot be changed after the sentence has been handed down. I am quite convinced that, in terms of the people targeted by this retroactive law, this issue will not pass the legal test in the courts.

It is clear that groups of lawyers and criminal lawyers in Canada and in Quebec are strongly opposed to this legislation because it would apply retroactively, it would create red tape and it does nothing to improve justice in Canada. These people are highly qualified and deal with these issues on a daily basis.

And so, I would ask the honourable senators on the other side of the chamber to think seriously about the bill's objectives. I am talking about the Policy, with a capital "P," of a civilized government that will one day have to release these offenders. How will that happen? What method will be used?

We have halfway houses in Canada and they work wonderfully. Instead of costing \$88,000 per year, per offender, we are talking about \$23,000 per year. Offenders can take courses as part of their rehabilitation and have access to the services of health professionals. They are followed by social services. This is how individuals should be released into society if we want to prevent them from returning to a life of crime. What Bill C-59 proposes is that we train more criminals, since these individuals will spend more time in contact with offenders who have committed serious crimes, in a place where they do not start rehabilitation.

[English]

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

**The Hon. the Speaker:** When shall this bill be read a third time?

(On motion of Senator L. Smith, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)



## **FREEZING ASSETS OF CORRUPT FOREIGN OFFICIALS BILL**

### **SECOND READING**

**Hon. A. Raynell Andreychuk** moved second reading of Bill C-61, An Act to provide for the taking of restrictive measures in respect of the property of officials and former officials of foreign states and of their family members.

She said: Honourable senators, I rise today to speak briefly to Bill C-61, the Freezing Assets of Corrupt Foreign Officials Bill.

In the last weeks and months, North Africa and the Middle East have been undergoing changes that will have far-reaching and transformative results for the entire region, its people and the world.

Canada, as well as other countries, is adapting to these new, evolving situations and is well aware of the importance of putting mechanisms in place that will allow for a quick and effective response to some of these changing circumstances.

Canada stands ready today to support those who seek a peaceful and legitimate process toward democracy and justice. The Government of Canada encourages political, economic and social reforms, which are the cornerstones of a modern and open society.

Tyranny and corruption need to be challenged and defeated. With its like-minded partners, Canada is struggling to work to foster democracy and freedom in this region.

Within the authoritarian regimes, it is all too easy for their leaders, as well as their families and close associates, to use their positions and professional connections to amass inordinate, even outrageous, amounts of personal wealth. When these leaders leave office, their countries' quite often must struggle to establish democratic reforms even as they cope with greatly diminished funds.

That is why it is vital that, to provide concrete help to a nation seeking to implement democratic reform, Canada must be able to ensure that misappropriated property may be frozen to allow for its return to the new authorities and the people of the state.

It is essential to assist that nation in its efforts to hold accountable foreign officials who have misappropriated state funds or inappropriately acquired property as a result of their public office, family, business or personal connections.

Bill C-61 will create a new mechanism to respond to requests from foreign states to freeze the assets of corrupt foreign officials. The draft legislation, and the legislation that passed through the house as amended, is essentially about the conduct of international relations. It would allow the government to freeze the assets or restrain the property of politically exposed foreign persons, upon receipt of a written request from a state where the Governor-in-Council has determined that the state is in a state of political uncertainty or turmoil.

• (1510)

The bill also requires an assessment by the government that it is in the interests of international relations to agree to such a request. Assets would be frozen for a five-year period, providing the foreign state with an opportunity to begin the necessary proceedings to allow for seizure and forfeiture of assets located in Canada. This time could be renewed.

In terms of international relations, it is clearly in our interest to support new governments, these burgeoning new democracies one would hope, and to acquiesce to requests of this nature when made by foreign nations that will one day become our partners.

Honourable senators, one might ask why we are creating new legislation instead of imposing sanctions under existing Canadian law, or simply proceeding with existing criminal law instruments. The existing instruments have been found to be wanting in this type of situation, and in evolving, new situations. I will explore the mechanism we have to date in a short overview.

The first instrument is sanctions. Sanctions against repressive regimes can certainly be effective, but if the state in question is in the process of democratic transformation, such measures can be unhelpful and perhaps even punitive.

Honourable senators, the fact remains that sanctions are a blunt instrument in the world of international relations and send a clear message to the state against which they are imposed. Clearly, this is not the message in some of these emerging democracies.

If the UN Security Council has not itself imposed sanctions, the Special Economic Measures Act requires a high trigger threshold to be met: namely, that there has been a grave breach of international peace and security, leading to a serious international crisis.

We would not want to put a deposed foreign dictator in a position to be able to challenge an asset freeze order on the basis that the trigger was not met.

Honourable senators, as things stand, proceedings under the Mutual Legal Assistance in Criminal Matters Act require a foreign state to produce evidence of criminal activity, the existence of legal proceedings or a court order in order for Canadian authorities to be able to act on assets situated in Canada.

In the case of a newly emerging governing authority, it may be difficult to come by such evidence on short notice. The time required to meet the procedural steps under the existing criminal-law-based framework, in situations where speed is of the essence, could allow the foreign national to conceal or deplete the assets. There is certainly a time and place for both sanctions and criminal-law-based proceedings, and these measures will remain available for use in appropriate circumstances. Bill C-61 provides a necessary and useful middle ground between the two, filling in a gap and providing a solution to the problem, which has become evident as a result of recent events.

However, it is equally obvious that a flexible legislative regime is needed, one that will permit asset freezes in circumstances where our existing tools are still inadequate. The new legislation includes a number of procedural and substantive safeguards. It provides a time limit on the imposition of freezes, which automatically expires after five years, if not renewed. It provides authority to the Minister of Foreign Affairs to recommend the revocation or repeal of an order or regulation if a person does not meet the definition of "politically exposed foreign person."

It also provides authority to the Minister of Foreign Affairs to issue permits for dealings with certain property to exempt certain persons and property, as well as to issue certificates in cases of mistaken identity and to provide exemptions for reasonable expenses.

It is important to note that, in the context of this bill, it is about asset preservation, not forfeiture. The bill allows the government to help a foreign state without circumventing ordinary due process with regard to asset restraint or forfeiture.

As I said in the beginning, this bill advances Canada's ability to conduct foreign relations, both in the context of bilateral relations between Canada and another state, and in respect of the support of the international community for a newly emerging democracy.

Honourable senators, this bill was amended in two points: one in the title — it is now shorter than in the original bill, which I think will be of some interest to members opposite. In addition, an amendment in the house would allow for a mandatory review by the House of Commons and the Senate in five years. That would allow for the continual looking at this bill to ensure that we are covering these new emerging situations and that we are found to be on the side of those who are promoting democracy, freedoms, human rights and rule of law, and not those who are trying to escape with assets.

I hope that the house has dealt with it and has passed it rather quickly, but I believe the review mechanism put in place, and the ability for us to track their progress and discussions, will be helpful for expeditious movement of this bill through the Senate.

Thank you, honourable senators.

[Translation]

**Hon. Fernand Robichaud:** Is the honourable senator willing to answer a question?

**Senator Andreychuk:** Yes.

**Senator Robichaud:** I know that this bill has come to us even though we do not have complete information. I am referring to clause 4. I wonder how this clause could be applied with respect to what is currently going on in North Africa, in a situation where a foreign state asserts in writing to the Government of Canada that an individual has misappropriated property. In the case of Libya, for example, it is still the colonel who is the head of state, correct? I would like to know when we can consider a request and what this foreign state becomes. I am mentioning this so that when witnesses come to testify in committee, they can explain

who has the authority to send such a request to the Canadian government when the existing government has not yet truly been replaced.

[English]

**Senator Andreychuk:** Honourable senators, I am not privy to the government's conversations and actions concerning any foreign state. Obviously, those conversations are within the purview of the government. Some of these are sensitive issues, and I am exercising my previous experience to know that I am not sure. I should not be standing here saying whether this bill will actually apply or is contemplated to apply to particular countries.

I believe the ministers who come before the committee should and would be prepared to indicate whether it can apply to the Libya situation, Tunisia, et cetera.

What I do know is that the bill is an answer to those situations. We have had the situation where a government is overthrown, and it is clearly no longer the government. A new government comes into place and there are mechanisms for recognizing new governments. That is why this bill has come under international relations, as opposed to any other rubric.

• (1520)

There is discretion; you can recognize a state or not recognize a state. We do it differently; there are rules, conventions and previous practices.

This bill does not apply to situations where there is a military coup, and what do we do. It could, perhaps, because that flexibility now is built into the legislation, but that situation was not what drove this bill. The bill was driven by the concern in Canada — in the community, by opposition members, by government members and by the Department of Foreign Affairs and International Trade — of how to deal with those situations where a new government comes into place and seems to be recognized in a universal way, but the assets are going somewhere else.

This bill is to try to make sure we do not have a cold trail when we recognize a new government, because assets can move so quickly in today's technology, in today's global world. This bill is not for forfeiture of assets or to determine who owns the assets; it is simply to freeze assets so that a new government coming in that we recognize has the opportunity to conduct the investigations and to look into the records.

One understands that they would not have had the access fully, nor is that their only concern at this point. Their main concern is putting the government in place and responding to the people on the ground. However, it is of great concern also to ensure the assets are still there.

We have other cases in recent times where, by the time they deal with assets, there is not much left. This bill is a new, immediate way of dealing with assets. That is why I think the review is such a good idea. We are breaking new ground, as are other countries; we are not the only ones. Other countries have been struggling with this issue. Some have put legislation in place and some are contemplating it.



We are moving as quickly as we can in offering a solution for those new emerging democracies that are saying, freeze the assets; do not say they belong to the new government; freeze them while we can build a case. Otherwise, in the old way, they would have to build the case first. By the time they build the case, they may have a hot case but a cold trail, as they say.

This is where we are going with the bill. I hope that once the bill goes to the committee and we explore all the procedures and how they come into place, we will then use our own imaginations to see which countries the bill may apply to now, and we may develop a better understanding of how it could apply more readily to other cases.

[Translation]

**Senator Robichaud:** Honourable senators, I have no intention of delaying the process. I simply want to ensure that we have the means to freeze assets before the people in question have time to misappropriate them, and also that we can do so as quickly as possible.

[English]

**Hon. Joseph A. Day:** Would the honourable senator accept a couple of other comments?

**Senator Andreychuk:** Certainly, I will take comments and questions.

**Senator Day:** Perhaps I can put one of my comments into a question.

First, I thank the honourable senator for giving us a clear background and understanding of Bill C-61, which arrived in this chamber today. I have had only a short time to look at the bill, but I wanted to comment on two or three points, and the honourable senator may wish to comment on them as well, in terms of the work she will do at committee.

The first is with respect to the short title that Senator Andreychuk mentioned in section 1. The word "Corrupt" appears. I understand the bill is to freeze the assets of foreign officials. Then, after the short title, the bill describes the circumstances under which the assets of foreign officials may be frozen. I wonder why the adjective "Corrupt" is included in the short title, especially since it does not appear anywhere in the bill itself that I could find in my quick reading.

I will make these comments because I have had only a quick first glance at this bill. The "politically exposed foreign person" is as close as I could come to an understanding of what "Corrupt" is.

The second point is with respect to each house having the opportunity to participate. That point is one that we have to watch, and I appreciate that it is there with respect to the five-year review.

[ Senator Andreychuk ]

Honourable senators will note that at clause 7, there is also a role for each house of Parliament. It may be that the second sentence in the French version is clearer, but clause 7 states:

A copy of each order or regulation made under section 4 must be tabled in each House of Parliament within 15 days after it is made. It may be sent to the Clerk of the House if the House is not sitting.

That second sentence sounds to me like it probably should have been amended at the same time as the first portion was amended to include both houses.

The French version might be clearer, but I will make the comment that the clause perhaps could be made a little clearer.

Finally, with respect to clause 8, "Duty to Determine," as I read it, that clause is to help the government understand where the assets might be. Therefore, all the financial institutions where assets might be are required to report so that the government can determine where the funds are that they may wish to freeze. However, I could not find Schedule I banks in that list, which is the obvious one; that is the first one I was looking for. I am wondering if that list is tucked away in some of the wording here.

Those are my comments. If the honourable senator wishes that comment in the form of a question: What do you think about those comments?

**Senator Andreychuk:** Thank you for the comments. I think they will be helpful to the committee.

I think the word "Corrupt" is there — and it will follow through the "Orders and Regulations" and we can follow that trail particularly — to indicate that not everyone in every government is corrupt; and their assets should not be seized if the assets are their own independent assets, duly obtained. It is here where they have taken and misappropriated money and where one cannot tell the difference between the individual and the state. They are intertwined.

The word "Corrupt" is just that; they have corrupted the assets. We are not talking about the individual, in that sense. They have corrupted the assets, as I see it. However, we will raise that issue in the committee.

Regarding your comments on the banks, I will have to look at that issue. My understanding is that the duty to determine will be in the order and it will define those entities. We will make sure that your comment is addressed in the committee. What was the next comment?

**Senator Day:** It was on clause 7, the second part.

**Senator Andreychuk:** No doubt it is intended. I have seen in other bills that if the house is not sitting, what do we do? I think we have our own procedures.

Is the provision properly addressed? I am inclined to agree that it reads better in French; it makes more sense to me than the way it is worded in English. We will pursue that wording to ensure it covers both houses in an appropriate manner.

• (1530)

**Hon. Percy E. Downe:** Honourable senators, I would like to say a few words about Bill C-61.

Although sparked by recent events in the Middle East and North Africa, this bill does not focus on specific persons or countries. It allows the government, acting through an order-in-council, to declare a person's property to be misappropriated and, in the words of the bill:

... by order, cause to be seized ... in the manner set out in the order any of the person's property situated in Canada.

The subject of these measures is anyone deemed to be a "politically exposed foreign person," essentially any high-ranking government official, be they members of the executive, legislature, judiciary, military, civil service, senate or whatever. However, this definition also includes:

... any person who, for personal or business reasons, is or was closely associated with such a person, including a family member.

This definition is very wide and may include Canadian citizens under this label, whether through family or business ties, or the case of a Canadian citizen employed as an official of a foreign government.

This bill constitutes a significant expansion of government power to seize property, including the property of Canadians, and it warrants careful review.

Honourable senators, as we know, good intentions do not guarantee good law. At this time, I cannot help but think of another bill that we were urged to pass quickly. Those of us who were here in 2005 remember Bill C-45, which we now call the New Veterans Charter. It went through Parliament with great speed. It went through first, second and third reading in the House of Commons in the time it takes me to read this sentence.

Here, in the Senate, second reading debate took three quarters of an hour, whereupon it was rushed to, of all places, the Standing Senate Committee on National Finance, only because that was the next committee that was meeting, where it was studied at only one meeting and reported back and passed the next day.

No one acted with bad intent. Everyone wanted what was best for our veterans and no one wanted to be seen to be blocking such an important bill. This is not the time for analysis of the many problems of the New Veterans Charter, but the fact that we are currently awaiting Bill C-55, which is designed to correct some of the problems with Bill C-45, is testament to the fact that good intentions and speed rarely produce the desired results. Indeed, veterans at that time and since have wondered if the Senate lived up to its responsibility to provide sober second thought or if we actually failed veterans in a rush to help them.

Now, some have said time is of the essence with this bill and we must act to prevent these assets being liquidated and sent to some other offshore financial centre beyond the reach of any government. While that is a concern, let us remember that the revolution in Egypt occurred weeks ago and the Tunisian revolution almost two months ago. Indeed, for several weeks

the Canadian Tunisian community has been calling for action to be taken against assets held in Canada. No matter how quickly the government wants us to act now, it cannot reverse the passage of time.

Any deposed official capable of amassing multi-million-dollar fortunes, through legitimate means or illegitimate, has the wherewithal to monitor that fortune and act to keep it from falling into the wrong or, in this case, the right hands. In an age where millions of dollars can be moved around the world with a keystroke or a phone call, any assets that might be moved in advance of this bill passing are already long gone and anything left will probably still be there regardless of how quickly or slowly we pass this legislation.

Honourable senators, I support the intent of this bill, but the careful study of bills is not the right of the Senate; it is our duty. As we have seen in the past, the rush to legislate is no solution. It merely exchanges one set of problems for another and I urge that this bill be given the examination such an important piece of legislation deserves.

In fact, I would suggest that, if the chamber approves this bill after only one committee meeting, then the Standing Senate Committee on Foreign Affairs and International Trade should be tasked to undertake a proper study of the bill with any additional meetings, witnesses and, above all, the time required to give it the due consideration. Any required amendments could be proposed to the government at a later date. In this way, the government will get its bill at the earliest opportunity, we can satisfy ourselves that we have performed our duty, and Canadians will get a law that has passed the test of meaningful parliamentary oversight. I am sure the government would welcome any amendments that would improve the legislation.

**The Hon. the Speaker *pro tempore*:** Further debate? Are honourable senators ready for the question?

**An Hon. Senator:** Question.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

**The Hon. the Speaker *pro tempore*:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Andreychuk, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Reverend Benjamin H. Yoon, Founder and Chairman of the Citizens' Alliance for North Korean Human Rights and Ms. Asma Jahangir who is represented by her brother. They are the recipients of the John Diefenbaker Defender of Human Rights and Freedom Award.



On behalf of all senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear!

## KEEPING CANADIANS SAFE BILL

### THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino, for the third reading of Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, as amended;

And on the motion in amendment of the Honourable Senator Manning, seconded by the Honourable Senator Smith (*Saurel*), that Bill S-13 be not now read a third time but that it be amended in clause 17, on page 8, by replacing line 15 with the following:

“45.48 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the *Keeping Canadians Safe (Protecting Borders) Act*.”;

And on the motion in amendment of the Honourable Senator Dallaire, seconded by the Honourable Senator Day, that Bill S-13 be not now read a third time but that it be amended on page 6, by adding after line 16 the following:

#### “REPORT

**15.1** (1) Within one year after this Act receives royal assent, the Minister of Public Safety and Emergency Preparedness shall prepare a report that sets out all government expenditures associated with the implementation of this Act and shall cause the report to be laid before each House of Parliament.

(2) The report may be referred to the standing committee of each House that normally considers matters relating to national security and defence or, in the event that there is no such standing committee, to any other committee that the Senate or House of Commons may designate or establish for the purposes of this section.”;

And on the motion in amendment of the Honourable Senator Day, seconded by the Honourable Senator Moore, that Bill S-13 be not now read a third time, but that it be amended,

(a) in clause 1, on page 1, by replacing lines 4 and 5 with the following:

“1. This Act may be cited as the *Protecting Maritime Borders Act*.”; and

(b) by replacing every reference to the *Keeping Canadians Safe (Protecting Borders) Act* with the *Protecting Maritime Borders Act*, wherever it occurs in the bill.

**The Hon. the Speaker pro tempore:** Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker pro tempore:** The question is on the motion in amendment of the Honourable Senator Day, seconded by the Honourable Senator Moore, that Bill S-13 be not now read a third time, but that it be amended:

(a) in clause 1, on page 1, by replacing lines 4 and 5 with the following:

“1. This Act may be cited as the *Protecting Maritime Borders Act*.”; and

(b) by replacing every reference to the *Keeping Canadians Safe (Protecting Borders) Act* with the *Protecting Maritime Borders Act*, wherever it occurs in the bill.

Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker pro tempore:** All those in favour will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** All those opposed will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker pro tempore:** In my opinion, the “nays” have it.

(Motion in amendment negatived.)

**The Hon. the Speaker pro tempore:** Honourable senators, on the motion in amendment of the Honourable Senator Dallaire, seconded by the Honourable Senator Day, that Bill S-13 be not now read a third time but that it be amended on page 6, by adding after line 16 the following:

#### “REPORT

**15.1** (1) Within one year after this Act receives royal assent, the Minister of Public Safety and Emergency Preparedness shall prepare a report that sets out all government expenditures associated with the implementation of this Act and shall cause the report to be laid before each House of Parliament.

(2) The report may be referred to the standing committee of each House that normally considers matters relating to national security and defence or, in the event that there is no such standing committee, to any other committee that the Senate or House of Commons may designate or establish for the purposes of this section.”;

Is it your pleasure, honourable senators, to adopt the motion in amendment?

• (1540)

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker *pro tempore*:** All those in favour of the motion will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** All those opposed to the motion will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** In my opinion, the “nays” have it.

(Motion in amendment negatived.)

**The Hon. the Speaker *pro tempore*:** Honourable senators, the next question is on the motion in amendment of the Honourable Senator Manning, seconded by the Honourable Senator Smith (*Saurel*), that Bill S-13 be not now read a third time but that it be amended in clause 17, on page 8, by replacing line 15 with the following:

“45.48 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the Keeping Canadians Safe (Protecting Borders) Act.”;

Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker *pro tempore*:** All those in favour will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** All those opposed will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** In my opinion, the “yeas” have it.

(Motion in amendment agreed to, on division.)

**The Hon. the Speaker *pro tempore*:** It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino, that this bill, as amended, be read the third time.

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

**The Hon. the Speaker *pro tempore*:** It is adopted on division.

(Motion agreed to and bill, as amended, read third time and passed, on division.)

## SENATORIAL SELECTION BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Brown, seconded by the Honourable Senator Runciman, for the second reading of Bill S-8, An Act respecting the selection of senators.

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I am pleased to speak in second reading debate on Bill S-8.

I have had the privilege of sitting in Canada’s Senate since June 1993. I use the word “privilege” advisedly, because those of us who serve here must not take that position of privilege for granted. I also fully understand how I got here, although this fact seems to have escaped many.

Over the years, I have seen all sides of this place: the good, the bad and sometimes the downright ridiculous. Having said that, a great deal of good and valuable work takes place in the Senate.

It is true that the Senate has a stellar reputation for correcting errors in legislative drafting or making amendments to clarify statutes before they become law. It is important to keep in mind that these functions of research and inquiry and technical revisions are not the fundamental purposes of the Senate. The Senate is supposed to stand as a co-equal body to the House of Commons in parliamentary decision making, a key part of the legislative process.

On paper, the Senate enjoys almost all the powers of the House of Commons. However, when and if the Senate chooses to exercise its power to defeat legislation coming from the house, the legitimacy of the Senate is immediately called into question and leads to the present situation of not being able to fulfill properly its intended primary rule. The Senate is then put in the position of justifying its existence by work it generates on its own.

Honourable senators, the reason the Senate cannot play its intended primary role as a legislative decision making body is that, quite simply, we do not have the democratic legitimacy to do so. This is not an accident. In fact, this is one of the primary



design features of the Senate. The Senate exists precisely in order to exercise what Sir John A. Macdonald called the “power of check” against the “democratic excesses” of the House of Commons. Think of that in the context of 2011. What was deemed appropriate in 1867 is foreign to our modern society in 2011.

The Senate as originally established also exists to represent particular sectional interests in society, that being to represent regions to provide a counterweight against pure representation by population in the House of Commons. This, I believe, continues to be a valuable feature, although the regions of the country are vastly different now from what they were in 1867.

The ability of the Senate to act as an effective regional voice is limited because the Senate no longer has democratic legitimacy in some regions of the country, which, as I said a moment ago, are quite different than they were 144 years ago. One only has to look at the growth of the population in the western part of the country for proof of that.

Honourable senators, the other interest the Senate is supposed to represent is minorities, which we define in modern-day terms. However, the definition of “minorities” insofar as the Senate is concerned is no longer relevant. As Sir John A. Macdonald put it, “The rights of the minority must be protected, and the rich are always fewer in number than the poor.” Therefore, it is not appropriate to argue that the protection of regions and minorities is a time-honoured tradition of the Senate.

The Senate, in other words, was designed according to a 19th century theory of mixed government in which a democratic popular element was to be balanced by an aristocratic appointed element, and what was feared as mob rule was to be avoided. The very notion of mob rule in the modern Canadian political context is unrealistic.

As I have said many times, we cannot function with a 19th century Senate in a 21st century Canada. Surely, we can all agree on that.

Honourable senators, there have been wide-ranging views on Senate reform. Some suggest a piecemeal approach starting with legislative measures and others want major constitutional change. Our government has been very clear. We would prefer to start with modest, doable incremental changes to the Senate. We have put forward reasonable and responsible legislation to take the first step toward Senate reform. This is a reasonable approach because, as many of you are aware, after attempts at comprehensive constitutional reform in the 1980s and the 1990s failed, the national debate on the future of the Senate ended right there.

Honourable senators, we all have read about, heard of and participated in decades of consultation and analysis on what needs to be done to reform the Senate. More study and analysis is not the answer. Rather, let us build upon the excellent work done in the past.

Critics of the government’s two Senate reform bills can be divided into two main camps, that of the constitutional perfectionists and that of the constitutional traditionalists. The

perfectionists are wary of any Senate reform that is not wholesale constitutional reform. In other words, the perfectionists want to do it all in one shot. However, past experience in Canada has taught us that the all-for-nothing Senate reform proposals of the past have inevitably yielded nothing. Roger Gibbins captured this perfectly in his comments before Senator Hays’ Special Senate Committee on Senate Reform when he said, “The perfect has become the enemy of the good.”

That said, honourable senators, it is my pleasure to participate in this debate and make a few comments about the bill before us.

A year ago, here in this chamber, the Governor General read the Speech from the Throne, which outlined our government’s commitments to Canadians. Once again, our government committed to make every effort to modernize Canada’s democratic institutions. In particular, we reaffirmed our dedication to make the Senate more democratic, effective and accountable. Of course, this was not our first attempt at Senate reform. We tabled legislation shortly after forming government in 2006. In fact, in September of 2006, Prime Minister Stephen Harper became the first sitting prime minister in Canadian history to appear as a witness before a Senate committee. As we all know, that was the special committee chaired by our former colleague Senator Dan Hays.

This underscored the importance our government places on the issue of Senate reform. At his appearance, the Prime Minister interestingly quoted from Robert MacKay’s book, *The Unreformed Senate of Canada*, as follows:

Probably on no other public question in Canada has there been such unanimity of opinion as on that of the necessity for Senate reform.

Mr. MacKay wrote that in 1926, 85 years ago.

Honourable senators, obviously change is long overdue. I am proud to report that our government is moving forward on that commitment with the introduction of the bill before us, the senatorial selection act, and with the Senate term limits bill in the other place. These steps are the important first steps to enhance the public legitimacy of the Senate.

• (1550)

Honourable senators, with regard to Bill S-8, our government wants to give Canadians a say in who represents them in the Senate, and judging from the most recent public opinion polls, this desire of Canadians is stronger than ever. The Senatorial Selection Act would provide Canadians with this very opportunity by encouraging provinces and territories to establish a democratic process where Senate nominees are chosen directly by the voters of the relevant province or territory.

This bill contains a voluntary framework for provinces and territories to use as a foundation for implementing a process to consult voters on Senate appointments.

To be clear, this bill does not require provinces to establish a consultation process. Rather, it strongly encourages them to do so. Following a democratic selection process, a province or

territory would submit a list of Senate nominees to the Prime Minister who, under the act, would be required to consider the names of the nominees put forward when making recommendations to the Governor General on Senate appointments.

This bill does not bind the Prime Minister or the Governor General when making Senate appointments, nor does it change how senators are selected. It simply proposes a method to give voters a say about who should be selected to hold a position in the Senate of Canada. It should be noted, however, that the Prime Minister is on record as saying that he would appoint from the list of recommendations submitted by the relevant province or territory.

Honourable senators, let me explain some of the details in the voluntary framework we have suggested in the bill. The bill provides a framework for the provinces. The provinces would be free to create their own selection process as long as it adheres to a democratic process. This framework is based on Alberta's Senatorial Selection Act, which has been in place for more than 20 years. The precedent is there, and it is solid. As stated earlier, it provides the senators to be appointed for a province or a territory from a list of Senate nominees chosen by the voters.

Under this framework, the provinces will determine when to hold their consultation process. For example, it could be at the same time as a provincial general election or held in conjunction with municipal elections, or it could be a stand-alone process.

While Senate nominee elections could be managed by provincial electoral agencies, a number of details concerning the administration of selection processes are also set out in the framework. These details include the requirements people must meet to be eligible to be a Senate nominee, and the procedure to become nominated to be a candidate in the selection process.

Another important point described in the framework is the type of electoral system that may be used. The framework suggests the use of the plurality-at-large voting system, which is the first-past-the-post electoral system applied to multi-member districts. Senate nominees would be selected from a province-wide constituency and voters could vote for as many candidates as there are Senate nominees to be elected.

In preparing this bill, we did our best to provide enough details to facilitate the development of legislation. However, it must be remembered that we did not dot all the i's and cross all the t's. We were careful to ensure that the provinces have enough latitude to make the process their own.

In a number of cases, such as in the area of political financing, the framework specifically states that the laws of the province are to apply, with any modifications necessary, to the selection of Senate nominees. As mentioned earlier, it must also be kept in mind that the framework in this bill is only suggested. Provinces would be free to design the selection process that best meets their unique circumstances as long as selection is done democratically.

By suggesting a framework, we are simply offering a helping hand to provinces and territories that want to play a role in enhancing the democratic legitimacy of our Senate while, at the same time, ensuring that this assistance respects provincial autonomy.

In the end, what is important is that the selection of senators be based on a democratic process that reflects the wishes of the voters in each distinct province or territory.

For those who might suggest that this bill is a radical change, I will illustrate that this bill is anything but that. The Prime Minister has always been clear that his preference, when making recommendations to the Governor General on Senate appointments, is to recommend the names of individuals who have been chosen by Canadians through a democratic process.

As part of this objective, our government has invited provinces to develop and implement a democratic selection process of candidates for senators. The senatorial selection act would simply codify this approach.

This act is consistent with our government's incremental approach to reform and our desire to implement a process to consult voters on their choice for Senate appointments. Moreover, it reaffirms our government's preference for considering appointing senators who have been democratically selected by Canadians.

Honourable senators, we have precedents with regard to the provincial experience. To some honourable senators, the approach and outline in the senatorial selection act may sound familiar. Nearly 25 years ago, the idea of the provinces establishing a list of Senate nominees was proposed as an interim measure until further, more fundamental reforms could be achieved.

In 1987, through the Meech Lake Accord process, the premiers agreed that any person appointed to the Senate should be chosen from a list of names submitted by the province. Indeed, the Right Honourable Brian Mulroney, in the spirit of this agreement, named several senators to fill vacancies from the province of Quebec from a list submitted by Premier Robert Bourassa — Solange Chaput-Rolland, Roch Bolduc, Gérald Beaudoin and Jean-Marie Poitras — all excellent names from a list submitted by a province, and all served the Senate with great distinction.

Unfortunately, other than the efforts of Mr. Mulroney, Senate reform has not been realized, and we continue to wait. Surely, Canadians will not have to wait another 25 years before change can be achieved.

Thankfully, honourable senators, the spirit of the reform stayed strong, thanks to the province of Alberta. Alberta passed the Senatorial Selection Act in 1989 and held its first consultation with Albertans later that year. The victor in that process was Stan Waters. He became Senator Stan Waters in 1990, after his name was recommended for appointment by Prime Minister Mulroney, who respected the Alberta process.

Since the initial 1990 consultation process, Alberta has gone back to its residents on two other occasions to ask them whom they would like to represent them in the Senate. The next consultation process was held in 1998, and though I was not surprised at the time, sadly, the Liberal government of the day chose not to respect the wishes of the residents of Alberta, and the winner of that process was not appointed to the Senate.



However, even with that disappointment, the winner of the 1998 process was not discouraged. He continued with his commitment to reform the Senate, and his campaign was not diminished. Instead, in 2004, he decided to run again in Alberta's third consultation. For the second time, he was declared a winner and for the second time, the Liberal government of the day decided to ignore the wishes of the Alberta electorate.

Sadly, it looked like the person Albertans chose to represent them on two separate occasions would be shut out of the Senate, but there is a positive ending to this saga. In 2006, our government was elected — a government that had been crystal clear about our goals for Senate reform, clear about our preference for giving Canadians a say in who represents them in the Senate.

Honourable senators, at the first opportunity, when a Senate seat became vacant for the province of Alberta, Prime Minister Stephen Harper respected the wishes of Alberta and recommended the winner of the second and third Alberta consultation process, and, of course, I am speaking about our colleague, the Honourable Bert Brown.

**Some Hon. Senators:** Hear, hear.

**Senator LeBreton:** Today, I and, I know, my colleagues are pleased to be able to call Bert Brown our Senate colleague.

While Alberta is the only province that can point to having senators chosen by its voters, it is not the only province that has enacted legislation that allows consultation with its citizens. British Columbia previously enacted legislation that would have allowed voters to have a say on who should represent their province. This legislation could easily be revived by the province.

In 2009, Saskatchewan passed the Senate Nominee Election Act. When this bill was introduced, Saskatchewan's justice minister noted that their government was taking this step so that Saskatchewan senators could be chosen democratically. He also referenced the Prime Minister's commitment to recommending for appointment, democratically selected senators.

• (1600)

Saskatchewan has yet to hold a consultation process. While I have the utmost respect for the honourable senators from Saskatchewan and their dedication, it is my hope that the citizens of Saskatchewan will see their choices for Senate nominees reflected in the Senate. Of course, honourable senators, this opportunity will present itself within the next two years with the retirement of our colleague opposite.

There is little need to repeat all the recommendations for reform and to outline all the reasons that reform is necessary. However, there is an important reason worth mentioning again: Canadians want to see changes in our Senate. Over the years, polls have consistently shown that Canadians favour a reformed Senate. As recently as last month, a poll indicated that over two thirds of Canadians support the direct election of senators.

**Hon. Tommy Banks:** Direct.

**Senator LeBreton:** Canadians are having difficulty accepting an institution that has not changed significantly since Confederation.

Honourable senators, the Senate is a valuable institution. We are a group of proud Canadians committed to doing work that makes our country a better place to live. Sadly, our many important contributions are overshadowed by the intense focus on how we got here. Unfortunately, there is little talk of our considerable contributions, drowned out as they are by criticism of our outdated system and our unwillingness to take steps to improve the institution.

Changes are crucial and necessary if we want to maintain our relevance. If we want to be seen as credible, the Senate must catch up with the times and make the changes necessary to become a modern democratic institution. Supporting the kind of change our government presents here today is an avenue to achieve this important goal.

Honourable senators, the proposed Senatorial Selection Act does not bind the Prime Minister or the Governor General in their powers to appoint senators. It does not require that provinces adopt the framework established by our government. Senators will continue to be summoned to the Senate by the Governor General, on the advice of the prime minister, pursuant to the Constitution. What this bill does, however, is to encourage provinces to conduct a democratic selection process whereby a list would be provided to the Prime Minister to consider. As I mentioned earlier, our Prime Minister is on public record as saying he would appoint from that list.

Although it may not be a radical change, it is an important change. It is a necessary first step. It illustrates our government's determination to listen to Canadians, to enhance the legitimacy of our democratic institutions and to improve the quality of governance in our country. Most importantly, the approach set out in the proposed Senatorial Selection Act has precedence. The only appointment to the Senate that has reflected the views of voters was as the direct result of a provincial process: the Honourable Bert Brown. He deserves a great deal of thanks for the drafting and carriage of this bill.

By introducing Bill S-8, our government is committing to uphold its end of the bargain. It is our hope that other provinces will follow in the example that has been set.

Honourable senators, Bill S-8 has been with us in the Senate for almost one year. The time has come to seek the support of honourable senators for our efforts to send Bill S-8 to committee.

Our government believes in the idea of a chamber of sober second thought. We believe in an upper house that gives a stronger voice to the regions of our great country. This is why we also believe in moving forward with Senate reform. We realize that we must take the necessary steps to make the Senate a democratically legitimate institution.

With the introduction of this bill, our government has taken the first step in following through on its commitment to Canadians to bring enhanced legitimacy to our democratic institutions. The next step, honourable senators, is in our hands.

I sincerely hope that all members of this chamber will support this bill so we can move forward to give Canadians the Senate they want and rightfully deserve.

**The Hon. the Speaker *pro tempore*:** Will the honourable senator accept a question?

**Senator LeBreton:** Certainly.

**Hon. Joan Fraser:** Honourable senators, I have a couple of questions, but I know that the honourable leader has unlimited time, so I do not feel that I will be damaging other honourable senators' chances.

As an observation, when I am talking to groups of people and the subject of an elected Senate comes up, I ask them whether they would like the Senate to be more like the House of Commons and the reaction is not one of, shall I say, unbridled enthusiasm.

Upon reading this bill, I do not understand what will happen in Quebec, should it pass into law. We all know about the Quebec districts, which are in the Constitution and were a key part of winning the support of the representatives of Quebec who negotiated the British North America Act, 1867.

The bill talks about province-wide elections. It is odd to think of province-wide elections to elect people who are supposed to represent specific districts. However, if elections were held in specific districts, another democratic problem would arise. The districts were likely fairly drawn up some 140 years ago. I believe that Senator Angus' district today probably includes about 2 million people, by my rough count, whereas my own district includes about 35,000. One could argue that people in both districts might feel there was some imbalance if each of those districts had one representative. What would the situation be for Quebec under this bill?

**Senator LeBreton:** Senator Brown and I and others have made it clear that the proposed Senatorial Selection Act provides a vehicle for provinces to participate in the senatorial selection process, should they choose to do so.

The Province of Quebec is already on record as saying it does not support the bill. When the bill gets to committee, I am sure that many witnesses will be heard from who deal with the original formula used to set up the Senate.

The fact is that this bill, if passed, will not impose any requirement on any province to participate. The bill provides a framework for those provinces and territories wishing to have their senators chosen through a democratic Senate election process and encourages them to do so.

Personally speaking, if two, three or four provinces or more decide to participate, then the Senate will be all the better for it. It will be the decision of the provinces to participate or not. As we talk about small incremental steps, it is more important to start the process and have some success than to have no success at all.

**Senator Fraser:** As a Quebecer, I find it kind of odd to be asked to vote for a bill that would create a democratic travesty in my province. It is one thing to have a bill that sets up a system in

which the provinces may choose to participate or not; but to set up a system that would be unworkable for one quarter of the country, is something else.

Honourable senators, my second question is by way of asking whether the leader would agree to a little elaboration and clarification on one small point of her address. She quoted Roger Gibbins in one of the earlier iterations of this process. I was at both committee hearings when Mr. Gibbins testified, first at the Hays committee, the Special Senate Committee on Senate Reform, and then at the Standing Senate Committee on Legal and Constitutional Affairs.

Everybody knows where Mr. Gibbins' heart is on the matter of change in the Senate — he is in favour of it. He testified wholeheartedly before the Special Senate Committee on Senate Reform in favour of change, for some of the reasons the leader suggested; and I believe he was preparing to do so again when he appeared before the Senate Legal Committee.

• (1610)

Just before he came forward, legal experts testified that the legislative package that the government was proposing — the two bills that were then before Parliament, one in each house, which were the forerunners of today's bills, one in each house — that the combination of those bills, taken together, unquestionably constituted a package that required provincial participation in formal constitutional change. Having heard that, Mr. Gibbins came forward as a witness and said, I have had to change my mind, and I cannot support this bill.

I have not spoken to Mr. Gibbins with regard to his view about this bill; I am talking only about what happened then. Would the honourable senator accept that clarification of how events unfolded in that context, at that time?

**Senator LeBreton:** What the honourable senator says concerning comments that Roger Gibbins made is interesting. I thought that the quote of his that I chose applies to many of the things that the government tries to do, in that the perfect has become the enemy of the good.

However, we are not talking about bills that were before the Standing Senate Committee on Legal and Constitutional Affairs at the time of which the honourable senator speaks. We are talking about the Senatorial Selection Act.

With regard to this bill and the Senate term limits bill that is in the other place, we went back to the drawing board and indicated in the Speech from the Throne that we would pursue this legislation again. Thanks to the hard work of Bert Brown and the experience of Alberta, we have now brought before Parliament a bill that involves incremental first steps, and in no way requires opening up the Constitution.

This process is voluntary. The honourable senator talks about how she, as a senator from Quebec, participated in this process. If Alberta, Manitoba, British Columbia and a couple of the Atlantic provinces decide to enter into this kind of agreement and have their senators elected, that agreement in no way takes away from whatever the position of the Province of Quebec may be at the



time. This bill would mean simply that there would be a certain number of senators in this place that were, in fact, appointed to the Senate as a result of a Senate selection process in the various provinces.

I will not comment on what Roger Gibbins may have said. Let us bring this bill to committee, call him as a witness, and hear what he has to say.

[Translation]

**Hon. Roméo Antonius Dallaire:** Honourable senators, in my home province, a democratic election process is not needed to confirm a senator's legitimacy and to allow him or her to sit in the Senate in good faith.

On the leader's side, the Senate will be made up of elected and appointed senators. Would the Leader of the Government in the Senate look on these senators differently, depending on how they came to office?

[English]

**Senator LeBreton:** Of course not. There are other examples, including in the United Kingdom, where there is now a mix of both. Whether a person is named to the Senate through a Senate selection process or under the existing set of circumstances means absolutely nothing, other than that your seatmate might have arrived through the appointment route and the person two seats down might have been selected. However, in no way would that route diminish the individual's work here in the Senate, their role as a senator, or their participation in committees; of course not.

[Translation]

**Senator Dallaire:** Then why do it? If we trust in the Prime Minister's ability to make good choices in appointing senators, then why not allow him to continue to do so? Why not just maintain this system of trust in the Prime Minister? Has he not demonstrated to the other provinces that seem to be interested in an election process that he is worthy of that trust? Why create such an uproar? Why not carry on with the good people we have here representing Canadians in the Senate?

[English]

**Senator LeBreton:** The honourable senator is saying: Trust the Prime Minister. We are saying: Trust the people to make the right choices.

[Translation]

**Senator Dallaire:** Honourable senators, unless I am mistaken, is it not the people of Canada who elected the Prime Minister? Unless we lost our democracy somewhere along the way, why would the Prime Minister we elected all of a sudden become less democratic just because he is making appointments? I would need a more detailed explanation to understand this. Is the honourable senator saying that the Prime Minister does not have Canadians' interests at heart when he makes choices and decisions?

[English]

**Senator LeBreton:** I must have missed something in my history class. Prime ministers are elected. Throughout most of the years I have been around this place, prime ministers have not been from my party but from another party. Prime ministers are the leaders of the party that win the most seats in the election. I do not understand the point of Senator Dallaire's question.

The Prime Minister here is offering the provinces, through this bill, an opportunity to participate directly in the selection of senators, and is therefore giving up the power of appointment for those seats.

**Hon. Wilfred P. Moore:** One of the hard-earned principles of responsible government is that those who are elected by the public also have access to, and accountability for, the public purse. In the scheme that the honourable senator suggests here today, would she agree that those elected would have that same responsibility and authority?

**Senator LeBreton:** The honourable senator is asking about a technicality here, but I would say that whether one is elected or appointed, we all have responsibility for the public purse.

**Senator Moore:** Whether it is a school board, a municipality or a provincial government, those who are elected also have access to, and responsibility and accountability for, the public purse. Does the honourable senator see that happening in the scheme that she suggests here today?

**Senator LeBreton:** Is the honourable senator suggesting that because we are appointed, we do not have to be accountable for the public purse? Is that the genesis of his question?

With regard to this bill, which is an easily read and understood bill, I think the intent of the government — in the other place with Senate term limits, and in this place with Senate selection — is to make the first few incremental steps in reforming the Senate.

Many people will have questions and concerns, and perhaps will want to consult constitutional experts. I would encourage that consultation. I hope we can have agreement to move this government bill through the Senate and into committee so that some of these technicalities and arguments can be debated on both sides.

**Senator Moore:** I would like an answer to my question. Does the honourable senator agree that those who are elected under this scheme will have access to the public purse, as is consistent with responsible government, which is hard-earned and which began in my province of Nova Scotia?

• (1620)

**Senator LeBreton:** Honourable senators, I do not understand the meaning of the honourable senator's question. Obviously, anyone who is elected has a certain responsibility, as does the person who is appointed. He or she has certain responsibilities for the public purse, too.

In terms of access, I am sure Senator Brown will speak to this issue. The honourable senator has dealt with this in much more detail than I have. However, I think people who are elected are accountable. In terms of direct access to the public purse, I actually do not know what would change or why that would be a concern.

**Senator Moore:** Honourable senators, it is not a concern. However, if someone stands for public election as, for example, in the other place, once elected, he or she has access to and can spend the public purse. He or she must account to the electorate for that responsibility. I am asking the leader if persons elected under this scheme would have the same access and responsibility.

**Senator LeBreton:** Honourable senators, I do not think Senator Moore has used the correct interpretation. I do not think it changes.

As my colleague pointed out, this bill does not change the Constitution. I believe the honourable senator's question is not relevant to this debate.

**Senator Moore:** I believe it is very relevant, honourable senators. Is the leader suggesting that an elected person does not have access to the public purse? Simply answer "yes" or "no."

**Hon. Andrée Champagne:** Honourable senators, I would like to follow up on Senator Fraser's questions and return to an issue that I discussed when I participated in this debate.

We all know that Quebec never does things the same way as everyone else. At this time, our premier says he will leave to the Prime Minister of Canada the privilege and the duty to continue to name people to the Senate of Canada. Should there be a change of government, however, would the new premier share the same opinion?

Some people say that the Senate is becoming too partisan. Can you imagine some separatists being named to the Senate if a separatist premier became the leader of the government of Quebec? When I said that his or her name could be on the list, I was told that if the person were a separatist that the Prime Minister does not want in the Senate, then someone else on the list would be chosen. My feeling is that if we have an election, the person who has the most number of votes wins the election.

Honourable senators, how will we deal with such a problem? Will we be elected province wide, or will we have to run for election in our districts? I am quite worried about this possibility for our Senate.

**Senator LeBreton:** Honourable senators, I think we are getting ahead of ourselves. This bill is the very first step. It provides a vehicle for provinces and territories that wish to conduct a senatorial selection process in order to fill vacancies for the Senate in their province or territory. It in no way forces provinces that do not wish to participate in the Senate selection process to do so.

We would be getting ahead of ourselves by dealing with a hypothetical situation concerning the Province of Quebec where the Quebec government has already indicated that it is not

interested in this process. I do point out however, that the bill does not take away from the Prime Minister and the Governor General the power of appointment to the Senate.

Honourable senators, I return to my quote of Roger Gibbins that the good is lost because we are looking for perfection. Honourable senators, the intent of this bill is to provide the framework for provinces and territories. They may choose to use the framework but are not obligated to use it. As we know, and as we can probably foresee for some time, the Government of Quebec and the Province of Quebec are not interested in pursuing this proposal.

**Hon. Tommy Banks:** Honourable senators, I have a very mundane question for the leader.

When Senator Brown speaks to this, I guess he will be the only senator who actually has personal experience regarding it. I have a grazing idea of how much it costs to run an election campaign in a constituency. It varies widely.

This may not be of interest to many people in this place because there are many here, I think, who would not stand for elected office. That is not how we got here. Many of us never contemplated ever getting here by any means, and it was not in our nature to run in an election campaign. It would not be in my nature to run for elected office. However, I am curious as to whether any thought has been given to the cost of running a campaign in a province as opposed to a campaign in a constituency of a province.

In my province, there are 27 constituencies. I know about how much is spent minimally and maximally in them. What multiple of one of those would be the cost of running a campaign in the Province of Alberta, or in the Province of Ontario, or in the Province of Quebec, if that could be worked out; or in any other province?

**Senator LeBreton:** Honourable senators, there has been discussion in terms of the actual running of the elections in the various provinces and territories that might decide to follow that process. Senator Brown, having run twice in the provincial Senate selection process, could probably answer this question. However, these questions require both study and answers. That is why I think that if we could get the bill to committee, many of these questions could be answered after careful study.

I do not think there is a definitive answer because it depends, first, on the province; and, second, on those who participate. For instance, if it is a territory, it is not multiple ridings. If it is a smaller province, there are four ridings. It is intended that the selection be province-wide.

Honourable senators, I think these questions should be debated in committee.

**Senator Banks:** Honourable senators, I hope that they will be and I hope that when we are considering these things, we will remember that, with respect to the Alberta election process by which Senator Brown won twice and worked assiduously were elections where political parties, in the normal sense of the word, did not take part. Senator Brown deserves a great amount of praise for his hard work.



Does the process contemplate any contribution by the public purse to the election process?

**Senator LeBreton:** Again, honourable senators, all the more reason to get this bill to committee so that these questions can be addressed. They are legitimate questions and they do vary from province to province. If we get the bill to committee, these questions can be fully aired and explained.

• (1630)

**Hon. Doug Finley:** Honourable senators, it was my original intention not to speak on this bill, but to promote it in other arenas by speaking directly to voters and audiences. I knew such esteemed and practiced senators such as Senator LeBreton, Senator Carignan, Senator Brown, and Senator Tkachuk, would make cohesive and well deliberated arguments largely based in law and history. I found the presentations most edifying from all sides. I would not dream of trying to add to or bend any of these fine arguments that have been made.

While all of these distinguished points of view were made, I felt that something personal was missing. I will speak from a personal point of view forged largely by my upbringing and honed in the trenches of our democratic system.

I will share the part of my life that causes me to believe so passionately that every Canadian should have the right to run for any public office in this country. I will discuss the concept that the Senate will somehow be a less competent, less well-rounded, and narrower constituency than it is now.

I was born in an idyllic corner of England, Devonshire. My birth certificate discloses the exact location as Stork's Nest. After many years of pubescent confusion, I eventually discovered that Stork's Nest was, in fact, a nursing home. It was immediate post-war Britain. My mother, a fervent daughter of Albion with a major mistrust of all things English, immediately transported me north to South Lennoxshire in Scotland, a place dominated by hardscrabble farming, steel mills and coal miners.

This area, with the shipyards of close-by Glasgow has been called the cradle of trade unionism. Since the early 1900s, it has been the home and stomping ground of great union activists like Keir Hardie. My grandfather, a brave coal miner who was later disabled in a mine collapse, participated in the famous General Strike in 1926 and walked 400 miles in a protest march from Glasgow to the London Parliament in 1927.

I was a happy recipient of an excellent Scottish education. It was rated at that time as perhaps the best public education system in the world. My mother would frequently and passionately speak of the Sunday evenings when my grandfather would take her to an open air meeting place on the banks of River Clyde. Here she absorbed the magnificent and persuasive oratory of such prominent labour leaders such as Aneurin Bevan, Jennie Lee and John Robertson. She was also exposed to such prominent humanitarian leaders as the great Eric Liddell, the sprinting missionary who was featured in the Oscar winning movie, *Chariots of Fire*.

All of this exposure she orally injected into me. I was not always the most willing recipient. However, certain things did stick with me from the miners, the steelworkers, my grandfather, and my

mother, such as a deep respect and patience — although I do not always show it — with all people, a complete abhorrence of any form of bias or bigotry, an abiding faith in the results of hard work and, most importantly, a belief that any person should be able to aspire without reasonable constraint to hold any public office in the land.

**Some Hon. Senators:** Hear, hear.

**Senator Finley:** My mother, by the way, at that time, particularly included the Westminster House of Lords. Incidentally, my great-grandfather, a completely untutored miner, won the right to present a case directly to the House of Lords. My mother and father came to Canada several years before I did. My mother brought her views with her. She died a few years ago.

My mother thought Pierre Elliott Trudeau was a right-wing radical, Brian Mulroney was the devil incarnate and Jean Chrétien was an anarchist. Unfortunately, or perhaps fortunately, I never got to hear her opinion of my good friend, Stephen Harper.

When I was first appointed to the Senate, I chatted with my brother about this view. I opined that my mother would likely be spinning in her grave. He said to me, Doug, not as long as you are on the inside trying to change it.

She gave us both a somewhat rebellious and clandestine nature. God bless her. That is the first reason I rise to speak on this particular piece of legislation.

Honourable senators, I have an unshakable belief that this Senate should be open to any person who properly seeks and wins by election the right to stand in this august chamber. What gives anyone the absolute right in this free and democratic federation to say that this office is closed to someone because we do not know them? I have heard a number of people, both within and without this chamber, say that an unelected, appointed Senate ensures there will be a cross balance of considered opinion, and that many senators would not be in the Senate if they had to be elected. There are other variations on this argument, and I am sure that all my fellow honourable senators have heard them.

With all due respect to those who espouse those opinions, I say poppycock. For hundreds of years, elected chambers, both upper and lower, have steered and led democracies through growth, change, turbulence and difficulty. It has not always been pretty. I will not quote the words of Winston Churchill on the subject of democracy. I doubt that there is an honourable senator in this chamber who does not have them emblazoned in their psyche.

Let people run. Let others decide. There will be good; there will be bad. However, on balance, it will always work. It always has. To those who say that having an appointed Senate guarantees that minorities and other groups will be represented when they might not be in an election environment, I say balderdash.

Given the mountains of media attention that I try to avoid, I doubt that it is any secret that I have been the Director of Political Operations and National Campaign Director for the

Conservative Party for a number of years. Honourable senators can imagine my delight this afternoon when I saw the latest assessment of public opinion polling from Ipsos-Reid showing the Conservatives at 39 and the Liberals at an all-time low of 23.

During my time with the Conservative Party, I and my colleagues worked assiduously to elect women, new Canadians and Canadians of all backgrounds and ages to represent us in Parliament. I have seen many fine Canadians and Aboriginals represented by Rob Clarke, Shelley Glover, Rod Bruinoo, and Leona Aglukkaq. I have seen new Canadians represented by Tim Uppal, Devinder Shory and Alice Wong, and young Canadians like Pierre Poilievre, Patrick Brown, and Andrew Scheer be elected. We worked to recruit and elect a whole host of brilliant women such as Diane Finley, Rona Ambrose, Candice Hoepfner and many others.

We are not alone in this work. Honourable Senator David Smith and his colleagues have been working equally hard to broaden the tent. My good friends on the other side have been successful in increasing the participation of women, new Canadians, Aboriginals and people of all age groups. More power to Senator David Smith and his colleagues.

• (1640)

The point I am trying to make is that this is Canada. We have a different political and social environment than any other country in the world. All the doors that are open should be open to everyone in a way that they never were before. Have we got to where we should be? I think Senator Smith would agree with me when I say “no,” but I also feel he would agree that we are getting ever closer.

To have an appointed Senate to guarantee so-called minorities is, in my view, a fallacious and out-of-date, elitist argument. In my view, women, First Nations, new Canadians and, indeed, all Canadians are perfectly more than capable of stepping up to the plate.

I have heard it said by some opponents of an elected Senate that elections are mere popularity contests, applying elements of “Canadian Idol” and “Miss Universe.” Bologney.

What is the problem with popularity? The word has its roots in the Latin term *populus*, as in *vox populi*. Again, I will address a point to Senator Smith. He, like I, has presented as candidates some very popular, media-recognizable, famous people, and they have crashed and burned. One has to be more than a pretty face with friends in the media. In my experience, Canadians overwhelmingly tend to vote for substance. To say otherwise is to denigrate the 308 members of the other place and, I might add, a number of current senators who have been elected to the other place. I repeat: The Canadian voter will always be right.

The final argument I will make is that some opponents say that an elected Senate could end up being a less powerful echo chamber of the other place. For the first time, I sense a kind of resonance. I can really understand that. As an obviously proven partisan member of this chamber, I thought on this at some length.

When I am in this chamber, I try to listen to everything that is said, from all sides. It is not always possible, but I do my best. I have been struck by many points made from across the aisle. I have often applauded a speech from the other side. It is not that I necessarily agreed with the entire content, but I appreciate a finely crafted position and the manner in which it is delivered.

Honourable senators, I believe this place can and should define itself. Elected or unelected, powers should not change. We are what we are and right now there is only one elected senator. The rest of us have been appointed.

I will allow a little leeway to the independents in what I am about to say, but where we sit and listen to arguments — and perhaps agree with them, even if they come from across the aisle — at the time of vote, the crux of this process is that we stand and inevitably vote with “those that bring us.” Is this not true? Let me challenge any senator here: Has an honourable senator present ever voted for or against a bill or motion that they did not fundamentally completely agree with?

My view might be simplistic, for I believe that no candidate for Senate election should carry a party banner or party colours. In my view, coupled with a complete dislocation from the party appointment process, this will in time lead to an independent chamber of second thought, basically with the same powers it has today.

Honourable senators, I might not have provided a legal or constitutional argument today on Senate reform, but I have tried to explain my belief that every Canadian should have the right to run for public office, and whence these beliefs originated.

I believe that Canada is a very special place; we truly are the land of opportunity for all Canadians. As an immigrant myself who never imagined becoming a senator, I believe that Canadians do not vote based on race, creed, colour or gender; they vote based on who will best represent them.

**The Hon. the Speaker *pro tempore*:** I must advise honourable senators that Senator Brown speaking now will have the effect of ending the debate.

**Hon. James S. Cowan (Leader of the Opposition):** Unless any honourable senators have any questions for Senator Finley, I will move the adjournment of the debate.

(On motion of Senator Cowan, debate adjourned.)

## THE SENATE

### MOTION TO URGE GOVERNMENT TO REVERSE ITS DECISION TO REPLACE THE NATIONAL LONG-FORM CENSUS—DEBATE CONTINUED

Leave having been given to proceed to Other Business, Inquiry No. 72:

On the Order:

Resuming debate on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Hubley:



That the Senate, recognizing that the National Long Form Census is an irreplaceable tool for governments and organizations that develop policies to improve the well-being of all Canadians, urge the Government of Canada to reverse its decision to replace the long form census with a more costly and less useful national household survey.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, the government's decision to abandon the mandatory long-form census and replace it with a survey — the so-called National Household Survey — is misguided and indefensible.

The history of the census is inextricably intertwined with the history of human civilization, and that is no accident or mere happenstance. The concept of a census is so fundamental to civil society that they have been conducted throughout the millennia and across the globe.

Some honourable senators might recall that, during an earlier debate, I pointed to Moses arguing with God as one of the earliest sources of our much-venerated right of freedom of expression. Moses conducted one of the earliest censuses, as well. When the Israelites were wandering in the Sinai Desert after the exodus from Egypt, the Book of Numbers tells us that God commanded Moses to “conduct the adult men”; in effect, to conduct a census. That book describes several censuses conducted by Moses.

The great civilization of ancient Egypt conducted a periodic census; the first one apparently took place in 3,340 B.C. A census was recorded in China over 4,000 years ago.

The word “census” comes from the Latin *censere*, meaning “to assess.” Our practice of conducting a census every five years seems to have come from the Roman Empire, where Servius Tullius ordered the first one in the 6th Century B.C. According to the New Testament, it was due to a Roman census that Mary and Joseph travelled from Galilee to Bethlehem where Jesus was born.

In the Islamic world, the Rashidun Caliphate in the 6th Century began a tradition of conducting a regular census.

In the United Kingdom, the first census was conducted in the 7th Century. Four centuries later, in 1086, William the Conqueror ordered that a comprehensive and very detailed census be taken of his new realm. That census resulted in the creation of a document known as the Domesday Book, so called because of the clarity and finality that resulted, like the Day of Judgment.

Honourable senators, it is no accident that the world's great civilizations each conducted a census. Greatness emerges when there is a strong connection between the government and its citizens, and when the laws and policies respond to the real needs and ambitions of the people. However, to do that, one needs first to know what those real needs and ambitions are. That comes from knowing clear, basic facts about one's fellow citizens.

However, if a government does not fundamentally believe in a role for government — if it believes the best thing it can do is to get out of the way — then an accurate census is a nuisance. If no one has the facts about how many people can find work, how many newcomers to Canada cannot access language training, or

how many of our Aboriginal families are living in housing that is falling apart, then no one can call to you account for your failure to take action or for the consequences of funding cuts. How much nicer it is to tell people that you are not asking the questions because you do not want to intrude on their privacy, rather than admitting you are not asking the questions because then you would be expected to do something about the problems that are exposed.

• (1650)

Honourable senators, it is often said that information is power. Traditionally, what is gleaned from the census is public information that is available to all Canadians who can then use it to come to their own conclusions about whether their country is on the right track and whether their government is focusing on the correct priorities. The government of Prime Minister Harper has decided that the citizens of Canada will no longer have that information and power.

Let me recall how this unfortunate episode with the long-form census began.

On Saturday, June 26, 2010, an order-in-council appeared in the *Canada Gazette*, setting out the questions that would appear in the 2011 census. Honourable senators, for the first time, the questions that are asked in the so-called companion long-form census were missing.

After members of the other place had left Ottawa to return to their constituencies, the quiet publication of the order-in-council in the *Canada Gazette* seemed calculated to avoid notice and public comment. What a miscalculation that turned out to be.

Extraordinary stories began to appear in the newspapers. A column on July 16 by Dan Gardner of Canwest listed some of the organizations that had written “to formally protest the government's misguided decision” to scrap the mandatory long-form census. They included the Statistical Society of Canada, the Federation of Canadian Municipalities, the Canadian Marketing Association, and the Canadian Association for Business Economics.

A few days later, on July 19, more than 20 signatories representing a broad range of organizations wrote to Minister Clement to request a meeting. They expressed their “great concern” about the government's decision, saying the loss of the long-form information “will cause considerable economic and social costs.”

The signatories included Roger Martin, the Dean of the Rotman School of Management; Don Drummond, former chief economist of the TD Bank and former Assistant Deputy Minister of Finance here in Ottawa; Mel Cappe, former Clerk of the Privy Council; Ken Georgetti of the Canadian Labour Congress; Dr. Cordell Neudorf, the Chair of the Board of Directors of the Canadian Public Health Association; Roger Gibbins of the Canada West Foundation; and Marni Cappe of the Canadian Institute of Planners. Their request for a meeting with Minister Clement was not granted.

Honourable senators, the media also expressed their concerns with the Harper government's decision. *The Globe and Mail* has written so many critical editorials that I cannot keep track of

them. Even the *National Post* has come out against the move. And there has been much international criticism. The British magazine *Nature* published several pieces, including an editorial headed "Save the census: The Canadian government should rethink its decision to change the way census data are collected." This leading international scientific journal wrote:

The incident comes amid a growing sense of unease about the right-leaning Canadian federal government's apparent disregard for science-based policy . . . Now the government is threatening to undermine the system that collects the data needed for a multitude of other evidence-based decisions.

Stephen Fienberg of Carnegie Mellon University, and Kenneth Prewitt of Columbia University, in an article entitled "Save Your Census," wrote:

Government statistics are no less vital to a nation's scientific infrastructure than is an observatory or particle accelerator, and need stable funding and protection. Detailed, reliable, demographic data are used in a vast array of policy decisions and research studies, from determining how many hospitals are needed to tracking whether the ongoing poverty of a group can be linked to health or education. Census data provide the gold standard against which all other studies on such issues can be corrected and judged.

Petitions to reinstate the "gold standard" census have been signed by thousands of Canadians who understand the importance of serious evidence in which to ground serious public policy.

Two former Chief Statisticians of Canada spoke out publicly against the decision: Dr. Ivan Fellegi and Dr. Sylvia Ostry. Dr. Ostry also served as the chair of the Economic Council of Canada, as Deputy Minister Of International Trade, and senior adviser for Prime Minister Brian Mulroney at international summits. She used the words "shocking" and "ridiculous" to describe the Harper government's about decision on the census.

A third Chief Statistician, Dr. Munir Sheikh, resigned because of this decision.

On September 9, an extraordinary letter was sent to Prime Minister Stephen Harper. It was signed by the former Governor of the Bank of Canada, David Dodge, two former clerks of the Privy Council — Mel Cappe and Alex Himelfarb — and by Dr. Fellegi. The signatories pointed out the indispensable role that official statistics fulfill in democratic societies. It urged the Prime Minister to allow the Chief Statistician to decide how the census should be conducted. They warned, in stark terms, that the government's decision "put the well-earned credibility and respected international standing of Statistics Canada at risk."

Honourable senators, can any of you recall when four such senior public servants — two former clerks of the Privy Council, a former Governor of the Bank of Canada and a former Chief Statistician of Canada — publicly expressed their disagreement with a government decision? These are individuals who understand what governments need in order to best serve Canadians.

In their view, the decision of the government on the census was so misguided and potentially damaging to Canada that it warranted taking the unprecedented step that they took.

That letter alone should have given the government reason to pause.

Provincial governments joined in the ever-growing list of those dismayed by the decision. On September 27, the Government of Ontario and the Government of Quebec took the unusual step of writing to Minister Clement to express their "serious concerns." The governments described how reliable data from the long-form census is essential in supporting post-secondary education and training programs. It provides critical information about groups such as recent immigrants, Aboriginal people, unemployed youth, and adults with low skills.

The letter stated,

Good public policy must be based on good information . . .

The letter concluded as follows: We believe that the decision by the federal government to eliminate the Census long-form was a mistake and that it will impact negatively on the provision of services to the people of our provinces. We would therefore urge you to reverse this course of action as soon as possible.

The Harper government responded with its usual reflexive mode: divide and attack.

This is how *The Globe and Mail* reported on the government's response to the letter from Canada's two largest provinces:

Mr. Clement . . . briskly dismissed the missives from the provinces. It's the same tune that they've had," he said. "They're users of the data, they like having the data. They like having the Government of Canada enforcing, through criminal penalties, fines and imprisonment."

Honourable senators, the federal government conducts the national census. All levels of government, as well as thousands of Canadians outside of government, use the results to benefit all.

This is not an issue of freeloading. It is a very efficient use of taxpayer dollars. As we all know, it is the same taxpayer.

Instead of multiple payments by different governments and organizations to collect the same information, Canadian taxpayers pool their money through Statistics Canada, and the resulting information is available to us all.

That is how the system has worked and how it should work.

Honourable senators, Canadians across the country should be able to know their provinces and cities can access the quality information they need in the most cost-effective manner possible. Firewalls have no place in our federation, no matter who may wish to erect them.



To add to the controversy, the Harper government has acknowledged that its new National Household Survey will be more expensive to administer than the mandatory long-form census. Here the government does not seem to have a clear plan.

Industry Minister Clement told a committee in the other place:

There is an additional \$30 million cost for a public campaign launched to convince Canadians to fill out the questionnaire.

Senator LeBreton has referred to this campaign here many times.

• (1700)

Now we learn, from an interview that the new Chief Statistician of Canada gave to *The Globe and Mail*, that the purpose of the extra money is not for advertising or communication of the new National Household Survey. In fact, the chief statistician could not say how much is earmarked to advertise the new survey, except to say, "It's not a large amount."

He continued:

I don't even know if we've got an estimate right at the moment about what the precise amount is.

On December 14 *The Canadian Press* reported that the total cost of the 2011 census could reach \$660 million. This figure was confirmed by the chief statistician during that recent interview. That cost is in stark contrast to the cost of the 2006 Census, which came in at \$573 million. That \$573 million included a one-time purchase for software and equipment of \$43 million.

Honourable senators, a decision by a prime minister who describes himself as a trained economist to spend more money to obtain something of lesser value is a bizarre approach to take with taxpayers' hard-earned dollars.

Of course, the \$660 million would not include the extra costs to the municipal and provincial governments, and others who have relied upon that information and are now being thrown to their own devices by the Harper Government. Indeed, the chief statistician revealed that the government's plan includes hoping that municipal governments, provincial governments, Canadian businesses and "ethnic organizations" will use their "methods of communicating" to get the word out and encourage Canadians to complete the survey. It seems rich to expect other governments and organizations to promote something they know will yield inferior results for them.

It is not this cavalier attitude toward the public purse alone that has so upset so many professional organizations and other levels of government. The information collected in the mandatory long-form census is absolutely critical to basic decision-making — to deciding where to build what kinds of roads and how to time the traffic lights, to where to build schools and hospitals, how big should they be and with what specialities. Where should a children's hospital be located? Does a community need a geriatric facility? Where should it be located and what services should it provide?

The other day the *Winnipeg Free Press* — and Senator Chaput referred to this report yesterday — reported that the Manitoba government anticipates spending up to \$400,000 to persuade Manitobans to fill out the survey. The Manitoba Chief Statistician recently said the government could face everything from reduced federal transfer payments to a shortage of accurate information on which to base critical health and policy spending decisions if not enough Manitobans fill out the forms. He said:

We could get a misleading picture. If 50 per cent or lower —

— fill out the forms —

— what have we got? There is the potential here for a statistical catastrophe.

Those are the words of the Chief Statistician of Manitoba.

The census is used by health officials in pandemic planning, something that all of us can improve, given the experience last year with H1N1. In September, 15 top health officials and researchers held coordinated news conferences in Toronto, Ottawa, Sudbury, Edmonton and Winnipeg to criticize the decision. We heard the Toronto Medical Officer of Health say that the health of Torontonians will suffer without access to the crucial long-form census data.

He said that the city's most vulnerable citizens — immigrants, the poor and those in marginalized communities — are at greatest risk.

Paul Hébert, editor-in-chief of the *Canadian Medical Association Journal*, has been clear:

The census is a very specific tool that helps all health sectors. . . . We're able to work at the level of a community to better understand how to tailor and adjust programs. It's the only instrument of its kind in our country . . . For the health and well-being of Canadians, we need this instrument.

The census is also used by Canadian businesses in deciding, for example, where to locate a store or build an apartment building. The Dean of the Rotman School of Management, Roger Martin, told *The Globe and Mail* that the government's abandonment of the mandatory long-form census will hurt the ability of Canadian companies to compete globally and boost productivity, while preventing Canadians from having what he called a "sophisticated economy that uses information to its best."

John Plinius, a business professor at Queen's, called the decision, "a huge business blunder," that will result in lost jobs and more bankruptcies, as businesses will not have the solid information they require to make decisions.

Mark Carney, the current Governor of the Bank of Canada, told *The Globe and Mail* editorial board that the bank no longer may be able to rely on data from Statistics Canada because of the change from the mandatory long form to the proposed National Household Survey.

The Bank of Canada, as the article describes, “has long focused on productivity, labour and households as a means of assessing the country’s economy and steering it toward a better footing.”

Mr. Carney told *The Globe and Mail* editorial board that the changes to the census could have an impact on the quality of research in these important areas, and force the bank to supplement the information with its own research. He said, “there’s a non-trivial range of data that could be affected.”

Honourable senators, the Harper Government keeps warning Canadians that our emergence from the economic recession is by no means assured, that Canada faces an uncertain economic future. Then our economist/Prime Minister decides this is the ideal time to deprive the Bank of Canada of important information on which it has relied to fulfil its role on working to strengthen our economy.

Is the irony of this situation really lost on the government? The irony is compounded by the fact that the Prime Minister, who has made the decision, earlier in his own life made use of the census data information when writing his master’s thesis. Now that he is in charge, he decides other students will not have the same opportunity that he was afforded while at university — how thoughtful.

Even the Canadian Association of Police Boards called on the government to restore the mandatory long-form census. They said in a statement:

... police agencies throughout Canada depend on reliable, comprehensive demographic statistical information provided by Statistics Canada to establish policing priorities and to determine policing services for their communities.

So much for helping our police forces to be tough or smart on crime. It looks more like the government is determined that police forces across the line will join its “dumb on crime” approach.

The Canadian Women’s Foundation wrote to Minister Clement to express their concern over the impact of the cancellation of the mandatory long-form census on programs and policies that help women. They wrote:

Our funding programs focus on women who are most in need, including low-income women, Aboriginal women, newcomer women, young women, disabled women, and visible minority women. These are the very groups who will be underrepresented in the census data if the mandatory long-form is discontinued; this will reduce their access to government services and severely constrain our ability to develop an effective funding response.

Indeed, questions have been raised that the drafting of the new proposed National Household Survey has notably omitted a crucial question — so-called question 33 — a three-part question that, according to a report in the *Toronto Star*:

... has been in place since Canada made commitments at the 1995 UN Conference on Women in Beijing. The question gathered data on how much time people spent on unpaid work: domestic chores, child care and attending to the needs of elderly relatives and friends.

The Harper Government is not interested in finding out how many hours Canadians spend looking after their own and other children, or providing unpaid care to seniors. This government has no interest in the challenges facing Canadian families squeezed between the conflicting demands on their time, taking care of children, parents and paid work. That question is gone. For Canadian taxpayers and Canadian families, corporate tax cuts will solve everything.

Honourable senators, I could go on listing the many ways in which Canadians have said that this census information is critical to their work and well-being.

A voluntary survey simply is not an adequate substitute.

• (1710)

Ivan Fellegi, the former Chief Statistician of Canada, explained that “any voluntary survey is intrinsically biased” and that “bias, unlike sampling error, cannot be estimated from survey data themselves.” He described how:

... most users ... are interested in how things have changed since the last time they were measured. And if the last time they were measured they were measured in an unbiased manner, and next time they are measured in a biased manner, the results become basically not usable for that purpose. ... they really become unusable for purposes of making comparisons ...

Don Drummond, the former chief economist of the TD Bank, and now chair of the Advisory Panel on Labour Market Information, has described how with a voluntary survey:

... you would get an over-weighting of — let’s face it — White middle-class Canadians and a dramatic under-weighting of some other groups, particularly the poor and the very wealthy, particularly some recent immigrants, and certainly First Nations.

Over time you could probably sort that out, but it would probably take three or four cycles of a survey to understand what the weights are. In the meantime, I think that the data could actually be worse than not having anything. It could be misleading.

Bank governors, bank economists, chief statisticians, former Clerks of the Privy Council, business leaders and health officials have all expressed their concerns. Senator LeBreton’s response has been, “Don’t worry; be happy. It will all work out.”

We are to rely on her great confidence that, when Canadians receive this household survey, they will fill it out honestly and fairly. The problem is that her own actions and those of some of her own colleagues prove that this is not true.

The government leader herself has told this chamber on several occasions how intrusive she found the questions in the 2006 long-form census, and how she absolutely did not want to answer them and only did so because she knew she had to. Honourable



senators, these were questions in a census being conducted by her own government, of which she was cabinet minister. She told us that she would not have answered them voluntarily.

Her colleague, Senator Greene, told this chamber in great detail and with surprising pride how he let the form sit for many weeks, only to fill it out because it was mandatory. He tried to send it in partially completed and ultimately asked his teenage daughter to fill it out, in his words “as a kind of game,” making up the answers as she went along.

These are individuals who support the Conservative government that was conducting the census. Senator LeBreton was and remains a member of the executive branch of this government, yet she was very clear that she completed the census not because she is a fine, upstanding citizen who recognizes her civic duty, but because it was mandatory — in other words, because it was coercive.

Senator Greene not only did not complete it himself, he told his teenage daughter to make up the answers, to treat it as a game.

What sort of examples are these for Canadians who will receive the voluntary household survey?

If Senator LeBreton is chosen to receive the new household survey, will she now answer the intrusive questions because the coercive element has been removed? She has already told us that it was only because there was a coercive element that she filled it out the last time. Where is the logic in any of this?

In my opinion, it is not that this government cares whether or not there is a census, or whether or not the census is a burden on Canadians; rather it is that, fundamentally, this government really does not care about the real burdens that weigh upon Canadians.

It does not care whether parents are able to access affordable child care. It does not care how hard Canadians are struggling to meet the needs of aging parents while caring for their young children, all the while balancing the demands of paid work. It does not care how long Canadians are spending commuting to and from work, or what methods of transportation they are using for those commutes. It does not care what level of education Canadians are achieving or what kind of work they are able to find upon graduation. It does not want to know whether or not our immigrants are successfully integrating into our society or finding work in their field. The concerns of single parents do not worry the members of the Harper government. They really do not care very much about whether or not child support is being paid.

Members of the Harper government have sought to justify their position by pointing to the questions that they consider to be too intrusive. Let us talk a bit about some of these so-called intrusive questions.

For example, some ministers have asked, apparently rhetorically, what business is it of the government to ask how many bedrooms there are in a house?

Well, the Mayor of Iqaluit, a board member of the Tapiriit Kanatami, has spoken to this question, and this is what she said:

You have to remember that in the long form there are questions such as how many bedrooms are in the house. In Arctic communities it is too cold to be homeless. There's hidden homelessness. We'll never get that data if that long form is not filled out.

This government evidently does not care if 15 people are crammed into a two-bedroom apartment in an isolated Northern community.

Is this an issue, as some people have suggested, for the famous Conservative political base — a bone to be tossed by the Harper government to mollify the right wing, increasingly fed up with unprecedented deficits and reckless spending on fake lakes and photo ops?

Let me read honourable senators a passage from an article in the *Ottawa Citizen* on August 5, quoting Mr. Gibbins, head of the right-wing Canada West Foundation:

I live in a hardcore Conservative constituency in the heart of Calgary. There are probably more people worried about flying saucers landing in their backyard than there are worried about the long-form census.

Instilling worry and fear has become the hallmark of this government. As my leader, Mr. Ignatieff, noted recently, the Prime Minister “tried to make Canadians afraid of something they had never been afraid of once in their lives, which was the census-taker. . . . All across the country, people turn to me and they said, you know, I've got things I do worry about, but the census taker?”

What has occurred with this issue has reinforced a concern I have held for a long time. The Harper government cares less about facts than it does about its ideology. One commentator, an economist, wrote that with this decision, we have officially moved from evidence-based decision-making to decision-based evidence-making.

Tom Flanagan, the former close adviser to Prime Minister Harper, once said, “It does not have to be true. It just has to be plausible.”

Perhaps we should start using that word coined by the American satirist Stephen Colbert during the era of former President George W. Bush: “truthiness.”

Indeed, in an apparent further imitation of President Bush, Prime Minister Harper reportedly encouraged his party loyalists to trust their guts, not experts or evidence. Frighteningly, he was reportedly speaking about his party's law and order agenda.

Honourable senators, Canadians deserve better. They deserve serious public policy, formulated on the basis of real facts, not “truthy factoids” carefully selected and shaped to support an ideologically driven agenda.

As Mr. Ignatieff said, “Wouldn’t it be better to run the government on the basis of evidence and facts and statistics, than ideology, dogmatism and fear?”

I am troubled when I see the government suppressing the truth, when political staffers prevent the release of information to Canadians and when government scientists are not free to speak out on the issues on which they have extraordinary expertise. I am troubled when we have a law and order agenda driven in wilful blindness of the facts.

We have people with deep, serious knowledge of issues denied access to decision-makers, ignored or actually dismissed from their jobs. We have seen the depths to which this government will sink, smearing the reputations of Canadians who have devoted their lives to public service for Canadians.

Now, with this decision to scrap the mandatory long-form census, the government is trying to prevent even the collection of facts, trying to control what Canadians know about what is really happening in their country and their communities.

There is a head-in-the-sand saying, which goes “What you do not know cannot hurt you.” The Harper government has taken it a step further; for them it is: “What you do not know cannot hurt it, so out with the census.”

To make matters worse, there are rumblings that this government may be planning to go even further. Recently we saw a release from the Macdonald-Laurier Institute of a so-called policy study that challenged the methodology and even the objectivity of Statistics Canada’s work on crime statistics.

• (1720)

We subsequently learned that the author of the study used to work as a Conservative political staffer to then Public Safety Minister Stockwell Day. Yes, that is the same minister who told Canadians that we need more prisons to lock up all the criminals who committed crimes that were never reported to police, so of course these “criminals” were never charged or convicted. Small wonder that this former staffer now writes a paper deriding Statistics Canada for not reporting unreported crimes.

This study, by the way, has been roundly criticized since its release as deeply flawed in its methodology.

We recently learned again from the newspapers that the government is contemplating further changes to the census for 2016, using a register-based model that would mine data from health files and education files, to name a few.

Honourable senators, I think many Canadians would be concerned to think that their government could access all their personal files like that. I suspect many would choose the old form of mandatory long-form census over that kind of Big Brother intrusion.

I mentioned *The Globe and Mail*’s recent long interview of Wayne Smith, the new Chief Statistician of Canada. Mr. Smith, a good public servant, attempted to show how the government’s target response rate for the new National Household Survey, in fact, may be okay. What is the new target response rate? The

government would be satisfied with a 50-per-cent response rate — 50 per cent — instead of the 94-per-cent response rate that we had for the mandatory long-form census.

You will remember the statement I quoted a few minutes ago from the Manitoba Chief Statistician. I will repeat it. He said: “If 50 per cent or lower” fill out the forms, “what have we got? There is a potential here for a statistical catastrophe.” Yet that is the Harper government’s target; a statistical catastrophe indeed.

I hope my friends from Manitoba on the other side are taking note. The Manitoba government is concerned that the survey will lead to misleading information about things like population growth, which of course is used to determine the size of federal transfer payments, to say nothing of the many other policy decisions that depend on the responses.

*The Globe and Mail* concluded the interview with Mr. Smith, the new Chief Statistician, with the simple question: “Would you prefer the old system to this one?” His response: “Obviously.”

Honourable senators, we had the “gold standard” with the mandatory long-form census. That is what has worked to provide the serious evidence needed by public and private decision-makers throughout Canada, and it worked while respecting and protecting Canadians’ privacy. I am troubled to think that the Conservatives are so intent on promoting their own ideological policies that they will not shrink from depriving Canadians, today and for years to come, of the critical information they need to make good decisions. With studies like the one from the Macdonald-Laurier Institute, evidently they will not shrink from undermining the credibility of an institution like Statistics Canada, an institution respected not only in Canada but throughout the world for its meticulous methodology.

The Canadian people understand what is going on, and they have said, loudly and clearly, that they understand the reason for a mandatory long-form census and are prepared and proud to do their civic duty to complete it.

Honourable senators, it is up to us today to say loudly and clearly, by voting in favour of this motion, that the government must reverse its regrettable decision on the census so the concerns of Canadians truly can be heard by those who govern.

**Some Hon. Senators:** Hear, hear.

**Hon. Marjory LeBreton (Leader of the Government):** Will Senator Cowan take a question?

I believe Senator Cowan misrepresented statements that I made about my own personal experience with filling out census forms, and if it is on the record, the record is incorrect. I do not believe that I ever said that I did not fill out the 2006 long-form census.

I was not sent the mandatory long-form census in 2006 and, therefore, I would never have said I did not fill it out. I was referring to a long-form census several years ago that I objected to filling out, and was harassed vigorously by the census people, but it was certainly not in 2006. I resent very much that Senator Cowan would suggest that I broke the law, as a member of the government.



**Hon. Stephen Greene:** Honourable senators, I have the exact same complaint. I did not fill out the census in 2006. It was an earlier one under the Martin or Chrétien governments, and I behaved the way I did because I was threatened by jail time. I think I did what any Canadian citizen would do when confronted by a bureaucrat and threatened with jail time, and that is to thumb my nose.

(On motion of Senator Di Nino, debate adjourned.)

## STUDY ON APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

### FOURTH REPORT OF OFFICIAL LANGUAGES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Senate Committee on Official Languages, entitled: *The Vitality of Quebec's English-speaking Communities: From Myth to Reality*, tabled in the Senate on March 9, 2011.

**Hon. Andrée Champagne** moved the adoption of the report.

She said: Honourable senators, our colleague, Senator Chaput, is not in the chamber at the moment; she had to step out. She asked me to move this motion.

[Translation]

Honourable senators, I move:

That, the fourth report of the Standing Senate Committee on Official Languages entitled *The Vitality of Quebec's English-speaking Communities: From Myth to Reality*, tabled in the Senate on March 9, 2011, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Canadian Heritage and Official Languages being identified as the minister responsible for responding to the report.

She said: Honourable senators, Senator Chaput and I, and all members of the committee, are very proud. Our report has given a voice to a community we seldom hear about. Too many people believe that the anglophone population of Quebec forms a homogenous, affluent elite. That is a myth. We wanted to set the record straight.

After meeting with these communities around Montreal, Quebec City and the Eastern Townships, after speaking with people from the Gaspé and the Lower North Shore, we believe we understand them better. Through our recommendations, we hope to encourage our government to continue supporting their development and enhancing their vitality. A gain by the anglophone community does not constitute a loss or threat to the majority francophone population. Together they form the best that Quebec has to offer.

(On motion of Senator Champagne, for Senator Chaput, debate adjourned.)

• (1730)

## AGRICULTURE AND FORESTRY

### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF CURRENT STATE AND FUTURE OF FOREST SECTOR

**Hon. Percy Mockler**, pursuant to notice of March 8, 2011, moved:

That, notwithstanding the Orders of the Senate adopted on Thursday, March 11, 2010, and on Wednesday, November 24, 2010, the Standing Senate Committee on Agriculture and Forestry, which was authorized to undertake a study on the current state and future of Canada's forest sector, be empowered to extend the date of presenting its final report from March 31, 2011 to December 31, 2011.

(Motion agreed to.)

[English]

## ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday, March 21, 2011 at 2 p.m.;

And that the Standing Senate Committee on Foreign Affairs and International Trade and the committees of the Senate scheduled to meet on Monday, March 21, 2011, be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

**The Hon. the Speaker pro tempore:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Roméo Antonius Dallaire:** Honourable senators, I wish a clarification. The motion is to give leave to the committees to sit at their normal times on Monday. However, I have been advised that the Defence Committee will sit at 6 p.m. on Monday while it normally sits at 4 p.m.

**Senator Comeau:** May I respond to Senator Dallaire?

If the committee wishes to sit at 6 p.m., it may do so. That is a decision to be made by agreement of the whips.

We do not change the hours of sitting through the adjournment motion, as it would be much too complicated to so.

Honourable senators, this motion empowers the committees to sit even though the Senate may then be sitting. The time at which they wish to sit is based on the decision of the committee in consultation with the whips.

**Senator Dallaire:** I thank the Deputy Leader of the Opposition for that clarification. Although I am on the steering committee, I did not know we had a change of time until I was informed. I will follow up on that new information.

**The Hon. the Speaker *pro tempore*:** Honourable senator, before the chamber is the motion of Senator Comeau.

Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Monday, March 21, 2011, at 2 p.m.)

---



## CONTENTS

Thursday, March 10, 2011

|  | PAGE |  | PAGE |
|--|------|--|------|
| <b>SENATORS' STATEMENTS</b>  |      | <b>Inter-Parliamentary Forum of the Americas</b>   |      |
| <b>The Honourable Gordon Campbell</b>  |      | Regional Trade Knowledge Workshop for Parliamentarians of the Americas, Congress of the United Mexican States, May 20 to 22, 2010—Report Tabled. |      |
| Hon. Richard Neufeld .....   | 1992 | Hon. Céline Hervieux-Payette .....   | 1998 |
| <b>The Late Mr. Arnie Patterson</b>  |      | Executive Committee Meeting, June 5, 2010—Report Tabled.   |      |
| Hon. Terry M. Mercer .....   | 1992 | Hon. Céline Hervieux-Payette .....   | 1998 |
| <b>National Aboriginal Achievement Awards</b>  |      | Meeting of the Group of Women Parliamentarians of the Americas, National Assembly of Ecuador, August 11-12, 2010—Report Tabled.                  |      |
| Hon. Gerry St. Germain .....   | 1993 | Hon. Céline Hervieux-Payette .....   | 1998 |
| <b>Mrs. Flora Thibodeau</b>  |      | <b>The Senate</b>  |      |
| Congratulations on One Hundred and Tenth Birthday.   |      | Notice of Motion to Request Fisheries and Oceans Committee to Study Specific Measures to Support Inuit and Aboriginal Sealers.                   |      |
| Hon. Rose-May Poirier .....  | 1993 | Hon. Mac Harb .....  | 1998 |
| <b>Violence in Hockey</b>  |      | <b>Volunteerism</b>  |      |
| Hon. Jacques Demers .....  | 1994 | Notice of Inquiry.   |      |
| <b>World Plumbing Day</b>  |      | Hon. Terry M. Mercer .....   | 1998 |
| Hon. Donald Neil Plett .....   | 1994 | <b>Canada Border Services Agency</b>   |      |
| <b>Accessibility for People with Disabilities</b>  |      | Notice of Inquiry.   |      |
| Hon. Suzanne Fortin-Duplessis .....  | 1995 | Hon. Wilfred P. Moore .....  | 1998 |
| <b>Public Service Alliance of Canada</b>   |      | <b>Multiple Sclerosis and Chronic Cerebrospinal Venous Insufficiency</b>   |      |
| Allegations of Racism.   |      | Notice of Inquiry.   |      |
| Hon. Donald H. Oliver .....  | 1995 | Hon. Jane Cordy .....  | 1998 |
| <hr/>  |      | <hr/>  |      |
| <b>ROUTINE PROCEEDINGS</b>   |      | <b>QUESTION PERIOD</b>   |      |
| <b>Information Commissioner</b>  |      | <b>Treasury Board</b>  |      |
| Special Report Tabled.   |      | Official References to Government of Canada.   |      |
| The Hon. the Speaker .....   | 1996 | Hon. Tommy Banks .....   | 1999 |
| <b>Criminal Code (Bill C-30)</b>   |      | Hon. Marjory LeBreton .....  | 1999 |
| Bill to Amend—Eighteenth Report of Legal and Constitutional Affairs Committee Presented.               |      | <b>Citizenship and Immigration</b>   |      |
| Hon. Joan Fraser .....   | 1996 | Immigrant Settlement Services.   |      |
| <b>Immigration and Refugee Protection Act (Bill C-35)</b>  |      | Hon. Claudette Tardif .....  | 1999 |
| Bill to Amend—Sixteenth Report of Social Affairs, Science and Technology Committee Presented.          |      | Hon. Marjory LeBreton .....  | 2000 |
| Hon. Art Eggleton .....  | 1996 | <b>Infrastructure</b>  |      |
| <b>Aeronautics Act (Bill C-42)</b>   |      | Improved Electrical Transmission between Prince Edward Island and New Brunswick.   |      |
| Bill to Amend—Seventh Report of Transport and Communications Committee Presented.                      |      | Hon. Elizabeth Hubley .....  | 2000 |
| Hon. Dennis Dawson .....   | 1997 | Hon. Marjory LeBreton .....  | 2000 |
| <b>Freezing Assets of Corrupt Foreign Officials Bill (Bill C-61)</b>                                   |      | <b>Foreign Affairs</b>   |      |
| First Reading.   |      | Evacuation of Canadian Citizens from Libya—Foreign Service Personnel.  |      |
| Hon. Gerald J. Comeau .....  | 1997 | Hon. Roméo Antonius Dallaire .....   | 2001 |
| <b>Patent Act (Bill C-393)</b>   |      | Hon. Marjory LeBreton .....  | 2001 |
| Bill to Amend—First Reading .....  | 1997 | <hr/>  |      |
| <b>Protection of Insignia of Military Orders and Military Decorations and Medals Bill (Bill C-473)</b> |      | <b>ORDERS OF THE DAY</b>   |      |
| First Reading .....  | 1997 | <b>Canada Pension Plan (Bill S-223)</b>  |      |
| <b>Canada Post Corporation Act (Bill C-509)</b>  |      | Bill to Amend—Second Reading—Speaker's Ruling—Order Withdrawn.   |      |
| Bill to Amend—First Reading .....  | 1998 | The Hon. the Speaker .....   | 2002 |
|  |      | <b>Business of the Senate</b>  |      |
|  |      | Hon. Marjory LeBreton .....  | 2003 |

|  | PAGE |
|--|------|
| <b>The Estimates, 2010-11</b>  |      |
| Supplementary Estimates (C)—Tenth Report<br>of National Finance Committee Presented. |      |
| Hon. Joseph A. Day . . . . .   | 2003 |
| <b>Business of the Senate</b>  |      |
| Hon. Gerald J. Comeau . . . . .  | 2004 |
| <b>Corrections and Conditional Release Act (Bill C-59)</b>                           |      |
| Bill to Amend—Second Reading.  |      |
| Hon. Céline Hervieux-Payette . . . . .   | 2004 |
| Referred to Committee . . . . .  | 2005 |
| <b>Freezing Assets of Corrupt Foreign Officials Bill (Bill C-61)</b>                 |      |
| Second Reading.  |      |
| Hon. A. Raynell Andreychuk . . . . .   | 2006 |
| Hon. Fernand Robichaud . . . . .   | 2007 |
| Hon. Joseph A. Day . . . . .   | 2008 |
| Hon. Percy E. Downe . . . . .  | 2009 |
| Referred to Committee . . . . .  | 2009 |
| <b>Visitors in the Gallery</b>   |      |
| The Hon. the Speaker . . . . .   | 2009 |
| <b>Keeping Canadians Safe Bill (Bill S-13)</b>                                       |      |
| Third Reading . . . . .  | 2010 |
| <b>Senatorial Selection Bill (Bill S-8)</b>  |      |
| Second Reading—Debate Continued.   |      |
| Hon. Marjory LeBreton . . . . .  | 2011 |

|   | PAGE |
|---|------|
| Hon. Tommy Banks . . . . .  | 2014 |
| Hon. Joan Fraser . . . . .  | 2015 |
| Hon. Roméo Antonius Dallaire . . . . .  | 2016 |
| Hon. Wilfred P. Moore . . . . .   | 2016 |
| Hon. Andrée Champagne . . . . .   | 2017 |
| Hon. Tommy Banks . . . . .  | 2017 |
| Hon. Doug Finley . . . . .  | 2018 |
| Hon. James S. Cowan . . . . .   | 2019 |
| <b>The Senate</b>   |      |
| Motion to Urge Government to Reverse its Decision<br>to Replace the National Long-Form Census—Debate Continued. |      |
| Hon. James S. Cowan . . . . .   | 2020 |
| Hon. Marjory LeBreton . . . . .   | 2025 |
| Hon. Stephen Greene . . . . .   | 2026 |
| <b>Study on Application of Official Languages Act<br/>and Relevant Regulations, Directives and Reports</b>      |      |
| Fourth Report of Official Languages Committee<br>and Request for Government Response—Debate Adjourned.          |      |
| Hon. Andrée Champagne . . . . .   | 2026 |
| <b>Agriculture and Forestry</b>   |      |
| Committee Authorized to Extend Date of Final Report<br>on Study of Current State and Future of Forest Sector.   |      |
| Hon. Percy Mockler . . . . .  | 2026 |
| <b>Adjournment</b>  |      |
| Hon. Gerald J. Comeau . . . . .   | 2026 |
| Hon. Roméo Antonius Dallaire . . . . .  | 2026 |





*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5





CANADA



# Debates of the Senate

---

3rd SESSION

• 40th PARLIAMENT

• VOLUME 147

• NUMBER 95

---

OFFICIAL REPORT  
(HANSARD)

**Monday, March 21, 2011**

—

THE HONOURABLE NOËL A. KINSELLA  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>





## THE SENATE

Monday, March 21, 2011

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### BUDGET SPEECH

#### ACCOMMODATION FOR SENATORS IN COMMONS GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to remind you that the Budget speech will be delivered in the other place at 4 p.m., Tuesday, March 22, 2011. As has been the practice in the past, the section of the gallery in the House of Commons that is reserved for the Senate will be reserved for senators only on a first-come, first-served basis. As space is limited, this is the only way we can ensure that those senators who wish to attend can do so. Unfortunately, any guests of senators will not be seated in the section of the gallery in the other place reserved for the Senate.

### SENATORS' STATEMENTS

#### YEAR OF THE ENTREPRENEUR

**Hon. Catherine S. Callbeck:** Honourable senators, 2011 has been officially designated the Year of the Entrepreneur by the Government of Canada.

I am pleased the federal government has seen fit to recognize the hard work and innovative thinking of entrepreneurs across the country. This year is a great opportunity to highlight the contributions our entrepreneurs have made to Canada and to bring awareness and encouragement to Canada's future entrepreneurs.

Small businesses with fewer than 50 employees represent nearly 98 per cent of the total business establishments in Canada. They drive the Canadian economy, and have continued to do so in the face of economic uncertainty.

Individuals who are self-employed make up a significant portion of the total number of employed people. In 2008, there were 2.6 million self-employed people in Canada, more than 15 per cent of the total employed, and more than 1 million are women. Not surprisingly, the self-employed have seen the most gains in job growth in recent years. From 2001 to 2006, self-employment grew by nearly 19 per cent, which is double the growth of total employment.

In my home province, the most recent figures show there are more than 10,000 self-employed persons on Prince Edward Island, making up nearly 15 per cent of total employment. Even during the recession, the self-employed outperformed the rest of

the private sector in terms of job creation. Where the private sector saw a loss of jobs, the self-employed added a net gain of 800 jobs. This performance is a fantastic achievement.

Honourable senators, by marking this year as Year of the Entrepreneur, it is hoped that the public's awareness will be raised on the many contributions entrepreneurs make to our economy and to our communities every day. It is hoped that even more Canadians will be encouraged to move forward in the spirit of entrepreneurship and build on our previous successes. Entrepreneurs create jobs and contribute billions every year to the Canadian economy. The entrepreneurs of today and tomorrow have a vital role to play in the country's economic future.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, we have present with us in the gallery a group of distinguished visitors from the People's Republic of China.

On behalf of all honourable senators, I welcome our friends visiting from China to the Senate of Canada.

**Hon. Senators:** Hear, hear.

**The Hon. the Speaker:** Honourable senators, today is the one-year anniversary of the closing of the 2010 Paralympic Games which were held in Vancouver and Whistler, British Columbia. These were the first Paralympic Games to be held in Canada.

We are honoured to have in our gallery four athletes from Team Canada who participated in those games: Hervé Lord, Jean Labonté and Marc Dorion from our renowned sledge hockey team; and Karolina Wisniewska, double bronze medal winner in alpine skiing at last year's games.

Olympians, on behalf of the members of the Senate of Canada, welcome to the Senate.

**Hon. Senators:** Hear, Hear.

[Translation]

### OFFICIAL LANGUAGES IN ATLANTIC CANADA

**Hon. Percy Mockler:** Honourable senators, once again, Acadians and francophones in Atlantic Canada were all surprised to see the media coverage in the past two weeks because of an incorrect statement. As an Acadian, I was flabbergasted and amazed to once again see elected members of the House of Commons and senators on the opposition side not taking the time to check the facts before passing along unclear, vague and nebulous information regarding the Service Canada Atlantic Region.

Honourable senators, I am proud of Service Canada, whose 16,000 employees are always focused on providing quality services in both official languages across this vast country. The quality of their services is exemplary. The Harper government's adversaries are showing their lack of responsibility towards the public servants of Service Canada and towards Acadia when they deliberately confuse the facts in order to create a divide in our Atlantic communities.

[English]

Honourable senators, let every one of us remember this: Our country was built on the respect and understanding of our two official language communities. The Harper government believes that the strength of our federation lies on the parallel development of these two communities and the respect of their unique characteristics.

**Some Hon. Senators:** Hear, hear.

[Translation]

Honourable senators, I would like to quote Michael Alexander, the executive head of service management at the Service Canada Atlantic Region:

The Service Canada Atlantic Region has not been designated unilingual. There has been absolutely no change in bilingual services in the region. Every Service Canada centre and employee position that had been designated bilingual remains bilingual.

Honourable senators, we have 25 executive positions in the Atlantic region and 60 per cent of them are designated bilingual. We aim to achieve a bilingualism level of 80 per cent for executives and, furthermore, honourable senators, the 10 executive positions in New Brunswick are bilingual.

[English]

Honourable senators, contrary to what was said by the opposition, I wish to congratulate Minister Diane Finley for her leadership with Service Canada.

• (1410)

Ms. Finley said:

I would also like to clarify that the Service Canada Atlantic Region has not been designated unilingual. There has been absolutely no change in bilingual services in the region. Every Service Canada centre and employee position that had been designated bilingual remains bilingual.

In fact, Service Canada is increasing the bilingual capacity of regional —

**The Hon. the Speaker:** Order. The honourable senator's time has expired.

[Translation]

## ATOMIC ENERGY OF CANADA LIMITED

**Hon. Pierrette Ringuette:** Honourable senators, I rise today to call the attention of the Senate to the fact that the government must ensure the sovereignty and safety of our energy generation capacity by supporting Atomic Energy of Canada Limited.

[English]

The CANDU reactor technology is an internationally acclaimed asset that is owned by all Canadians. For over 50 years, Canadians have invested in their nuclear future. To date, Canadians have invested \$9 billion in AECL, with a return of \$160 billion in generated GDP benefits from electricity production, mining and a wide range of medical and professional services. This is a return on investment of over 1,800 per cent. Why would we sell something that has such a high rate of return?

The Canadian nuclear industry generates \$6.6 billion annually. On a yearly basis, the industry pays \$1.5 billion in taxes to the federal government and \$130 million to the provinces. Directly or indirectly, the Canadian nuclear industry creates 71,000 high-quality, high-paying jobs for Canadians. We cannot afford to lose the intellectual capital that provides us with a world-class nuclear workforce.

The Vice President of the Society of Professional Engineers and Associates, Michael Ivanco, said today:

'The sale of AECL will likely lead to the breakup of the CANDU design authority and a loss of the expertise needed to ensure plants run safely and effectively decades into the future.

Do we want to give up this expertise?

We have all been following the story of the plant in Fukushima, Japan, that was damaged by the earthquake and tsunami. The plant is roughly the same age as our CANDU reactors — 40 years old. General Electric, the designer of the Fukushima plant, still maintains a team of specialists and engineers who are able to respond to this crisis.

This is an important lesson for our government to understand. The sale of AECL puts at risk the design, engineering and safety team that can be called upon in the event of an emergency. We risk losing these key people if AECL is carved up and sold. Keeping our reactors safe and our sovereignty is not a private sector mandate.

We need to maintain our energy sovereignty. We cannot afford to lose a technology that provides 50 per cent of Canada's electric power, including 50 per cent of Ontario's.

After 50 years of investment and innovation, we cannot be forced to depend on foreign corporations and governments for the technology, safety and security of a crucial national resource and such a large portion of our energy supply.



Canadians did not want the potash industry to fall into foreign hands. Why would we let nuclear power fall into foreign hands?

**The Hon. the Speaker:** Order. The honourable senator's time has expired.

### INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

**Hon. Don Meredith:** Honourable senators, it was 51 years ago today, on March 21, 1960, that the police in Sharpeville, South Africa shot into an unarmed crowd, killing 69 anti-apartheid demonstrators who were marching for the right to live in their nation as a free people. Out of that tragic and barbaric event came slow change and the dismantling of apartheid in that nation. Today we mark the International Day for the Elimination of Racial Discrimination.

I was born in Jamaica four years after that infamous South African event. My birthplace was a much smaller nation that had seen its times of racial tension, some of which I sensed as a boy before moving to Canada in 1976. In growing to adulthood, I came to realize that to live free of racial discrimination is a fundamental right enshrined in Canada's Charter of Rights and Freedoms. Even when racial or ethnic tensions simmer in some of our nation's neighbourhoods, we recognize that, through our legal system and its accompanying programs, we work to ensure that all Canadian citizens are protected from prejudice. Equal opportunity represents the way things should be in an open and free society.

Two ways in which we try to ensure that Canadians of all ethnic communities get to participate fully in Canadian society are through Inter-Action, Canada's new Multiculturalism Grants and Contribution Program, and by the speeding up of the recognition of foreign credentials.

Further, we are not only encouraging tolerance and equality at home, but we are pressing for racial equality abroad. Through our work with various international organizations, we endeavour to strengthen human rights education in developing countries.

Honourable senators, I am happy and encouraged to be part of a government that works with Canadians in all parts of our great nation to ensure that we live up to this reputation of openness, equality and freedom.

[Translation]

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I rise today to call the attention of the Senate to the United Nations International Day for the Elimination of Racial Discrimination.

The International Day for the Elimination of Racial Discrimination is observed every year on March 21 to commemorate that day in 1960, when in Sharpeville, South Africa, police opened fire and killed 69 people at a peaceful

demonstration against the apartheid "pass laws." Proclaiming this day in 1966, the General Assembly called on the international community to redouble its efforts to eliminate all forms of racial discrimination.

On this special day, honourable senators, I would like to point out that the first article of the Universal Declaration of Human Rights affirms that all human beings are born free and equal in dignity and rights.

[English]

Honourable senators, the International Day for the Elimination of Racial Discrimination reminds us all of our collective responsibility for promoting and protecting the ideals that are encrypted in our Charter of Rights and Freedoms, those of tolerance, human rights, equality, diversity and justice.

Despite having formal laws in place to promote tolerance and diversity in Canada, as well as an increasing diversity in our country, incidents of racism and intolerance continue to occur. Whether it be lower integration levels, systemic rates of racial profiling or higher unemployment rates, visible minorities encounter discrimination on a daily basis.

[Translation]

In my home province of Alberta, awareness and educational initiatives are taking place throughout the week to commemorate and promote this special day. For instance, the Alliance Jeunesse-Famille de l'Alberta Society is organizing a day of reflection under the theme of "Racism in Canada: Fact or fiction," during which documentaries, testimonials and presentations will be available to the community.

This year's International Day for the Elimination of Racial Discrimination is dedicated to combating discrimination against people of African descent, which fits perfectly with the United Nations General Assembly decision to proclaim 2011 as the International Year for People of African Descent.

[English]

To mark 2011's International Day for the Elimination of Racial Discrimination, the Secretary-General of the United Nations, Mr. Ban Ki-moon, stated:

The discrimination faced by people of African descent is pernicious. Often, they are trapped in poverty in large part because of bigotry, only to see poverty used as a pretext for further exclusion. Often, they lack access to education because of prejudice —

**The Hon. the Speaker:** Order. The honourable senator's time has expired.

• (1420)

[Translation]

## ROUTINE PROCEEDINGS

### STUDY ON ISSUES RELATED TO COMMUNICATIONS MANDATE

#### FOURTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE— GOVERNMENT RESPONSE TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the government's response to the report of the Standing Senate Committee on Transport and Communications, entitled: *Plan for a Digital Canada.ca*, tabled in the Senate on June 6, 2010, in accordance with the motion requiring a government response adopted on October 26, 2010.

## FOREIGN AFFAIRS

#### EXPORTS OF MILITARY GOODS FROM CANADA— 2007-09 REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the Report on Exports of Military Goods from Canada, 2007-09.

### CANADIAN FORCES MEMBERS AND VETERANS RE-ESTABLISHMENT AND COMPENSATION ACT PENSION ACT

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-55, An Act to amend the Canadian Forces Members and Veterans Re-establishment and Compensation Act and the Pension Act.

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, in view of the extreme importance of this bill to veterans, I request that we proceed to second reading later today.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Some Hon. Senators:** No.

**Senator Comeau:** I see that this bill is not important to the other side.

[English]

Therefore, I would ask if the other side would be ready to deal with this at the next sitting.

**The Hon. the Speaker:** Honourable senators, is leave granted?

**Some Hon. Senators:** No.

**Senator Comeau:** Your Honour, given that they are the ones who are clamouring for an election at the end of the week, and given the extreme importance that veterans have attached to this bill, I suppose the other side does not have the great interest that this side has, therefore we will do it two days hence.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading, two days hence.)

## CRIMINAL CODE

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-54, An Act to amend the Criminal Code (sexual offences against children).

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Perhaps the other side might consider this bill because it would be adding protection for children in Canada from sexual predators. Might the other side agree that we deal with this bill later on this day?

**The Hon. the Speaker:** Honourable senators, is leave granted?

**Some Hon. Senators:** No.

**Senator Comeau:** I suppose the other side is indicating its colours, again. It wants an election at the end of the week, yet it is not prepared to deal with protecting our children, who are the most vulnerable in society. Therefore, I would ask if they might consider dealing with this at the next sitting.

**The Hon. the Speaker:** Honourable senators, is leave granted?

**Some Hon. Senators:** No.

**Senator Comeau:** I guess the other side is showing Canadians where they stand on the protection of our children; the most vulnerable in Canadian society. We will do it two days hence, then.



**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading, two days hence.)

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATED TO FOREIGN AFFAIRS GENERALLY

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on Tuesday, March 16, 2010, the date for the presentation of the final report by the Standing Senate Committee on Foreign Affairs and International Trade on such issues as may arise from time to time relating to foreign relations generally, be extended from March 31, 2011 to December 31, 2011.

## ABORIGINAL CHILDREN IN CARE IN MANITOBA

### NOTICE OF INQUIRY

**Hon. Sharon Carstairs:** Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will call the attention of the Senate to the alarming number of aboriginal children in care in the Province of Manitoba and my concerns that the group think that brought about the residential schools and the sixties scoop may be at play again.

## QUEEN'S UNIVERSITY

### PRIVATE BILL TO AMEND CONSTITUTION OF CORPORATION—PRESENTATION OF PETITION

**Hon. Lowell Murray:** Honourable senators, I have the honour to present a petition from the Board of Trustees of Queen's University at Kingston, in the province of Ontario; praying for the passage of an Act to amend the constitution of the corporation of the University in order to effect certain changes in the composition and powers of the Board of Trustees and of the University Council and the mode of election of their respective members, and to effect other technical or incidental changes as may be appropriate.

## QUESTION PERIOD

### OFFICE OF THE PUBLIC SECTOR INTEGRITY COMMISSIONER

#### STATUS OF FORMER COMMISSIONER

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate.

The Public Sector Integrity Commissioner of Canada is an officer of Parliament. Ms. Christiane Ouimet was appointed to this position in 2007. As we all know, there were a series of complaints against the Public Sector Integrity Commissioner that resulted in a performance audit by the Auditor General of Canada. That audit began in May 2009.

On October 7, 2010, Ms. Ouimet left the Public Sector Integrity Commission. On December 9, 2010 the Auditor General of Canada released a highly critical report on the performance of Ms. Ouimet in her capacity as Public Sector Integrity Commissioner.

Did Ms. Ouimet resign from her position, or was she fired?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the Public Sector Integrity Commissioner is an independent officer of Parliament, appointed with the approval of the leaders of all opposition parties, and Parliament. I well remember, as would the honourable senator, when Ms. Ouimet appeared before our Senate Committee of the Whole. If one reads the record, this individual was recommended for this position and received the full approval and great praise from all sides.

With regard to Senator Cowan's question as to the reasons Ms. Ouimet left her position, I will take that as notice.

**Senator Cowan:** My question was whether she resigned or whether she was fired. Surely the leader can answer that question.

**Senator LeBreton:** She was an officer of Parliament and, to be perfectly blunt and honest with the honourable senator, I do believe she offered her resignation. She was an officer of Parliament, so therefore only two things could have happened. If she were fired, it would have had to have been with the approval of all parliamentarians. If she resigned, that is a different matter. She would have simply had to inform us. However, I will seek clarification.

• (1430)

**Senator Cowan:** While the leader is looking for that information, let us operate on the assumption that Ms. Ouimet resigned. As the leader said, if the commissioner was fired, she would have to be fired by virtue of the provisions of the Public Act, which would provide that she could be removed for cause on address to the Senate and the House of Commons. Since that address was not made, one assumes that she resigned.

My next question is, if she resigned, why was she paid a severance package of half a million dollars?

**Senator LeBreton:** The government, through the Privy Council Office, sought and followed legal advice as to the terms of the former commissioner's resignation; and I believe it was a resignation. The senior levels of government, the public service and the Privy Council are examining the recommendations in the report by Auditor General Sheila Fraser.

As Minister Day has indicated publicly, once the Auditor General's report has been studied fully, we will be able to determine whether any of these funds are recoverable.

**Senator Cowan:** I am not asking about recovering funds; I am asking why the funds were paid in the first place. If she resigned, why was she given a severance package?

**Senator LeBreton:** Ms. Ouimet was a public servant in good standing for a long time. I again invite the honourable senator to read the laudatory comments from both sides of the chamber when she took this position as an officer of Parliament.

As many people know, when public servants leave their positions, the government follows a process in terms of remuneration. Legal advice was sought and the government was given the legal advice that she be compensated in her capacity as a senior public servant.

**Senator Cowan:** According to the Auditor General's report, 24 employees left the office of the Public Sector Integrity Commissioner of Canada between August 5, 2007 and July 31, 2009; that period is covered by the audit that we referred to a minute ago. Five more employees left after July 31, 2009.

Many of those people told the Auditor General that they left as a result of the commissioner's conduct and the resulting work environment. Did any of those employees receive a severance package from the Government of Canada and if not, why not?

**Senator LeBreton:** I will reiterate that this particular individual is an officer of Parliament. There are a number of officers of Parliament. This appointment was not and is not a government appointment. This appointment was made by Parliament, approved on this very floor of this chamber — if one goes back and reads the record — with a lot of enthusiasm.

With regard to the other individuals, I will take the question as notice because I am not privy to information with regard to public servants who have left. I know that the interim commissioner, Mario Dion, is reviewing all the allegations with regard to the investigations that were launched that apparently were not followed through with, and has been encouraged to ensure that no valid complaint has been overlooked.

**Senator Cowan:** If one draws a distinction between Ms. Ouimet, who was an officer of Parliament and therefore responsible to Parliament, and the other employees, who presumably were employed by the Public Sector Integrity Commissioner, and one seeks to say that is why severance was paid in one case and not in

the other, if this person was an officer of Parliament responsible to Parliament, why were the negotiations conducted with her by the government? Why were negotiations not conducted by Parliament?

**Senator LeBreton:** As honourable senators well know, Ms. Ouimet was a long-standing public servant, recommended for this position and approved by Parliament. I will take the question as notice.

**Senator Cowan:** I have a copy of the departure agreement between Ms. Ouimet and the Government of Canada, which was posted on the Internet. It sets out the various amounts the government will pay, totalling \$354,000 and \$53,000 in benefits and other things. It contains a provision that says that neither party will:

... make any statements which may impair the reputation or which may otherwise be detrimental to the office of the Public Sector Integrity Commissioner or the Government of Canada.

There is a sweeping gag order here.

What authority did the government have to enter into an agreement directing an officer of Parliament not to disclose information to the public?

**Senator LeBreton:** Honourable senators, I can say only that the documents he refers to, which of course are public, were as a result of legal advice sought by the government.

**Senator Cowan:** Here we have someone who leaves her office knowing that there are serious allegations against her with respect to her conduct. The government is fully aware of those allegations. They enter into negotiations with her; a report is issued, which is highly critical of her, and yet the government pays her half a million dollars.

What does the leader have to say to Canadians who would logically conclude that the only reason the government would pay this hush money is to buy her silence?

**Senator LeBreton:** I would say that conclusion is absolutely false. That statement is a serious accusation.

I will repeat that the government sought and followed legal advice as to the terms of the former commissioner's resignation. We are examining the recommendations in the Auditor General's report and whether the funds are recoverable, as Minister Day, the President of the Treasury Board, has said.

I take issue, honourable senators, with Senator Cowan's comments. Ms. Ouimet was an officer of Parliament. As I have pointed out, the interim commissioner has been encouraged to review each and every allegation of wrongdoing and reprisal lodged during the previous commissioner's tenure to ensure that no valid complaint is overlooked. This review is what Mr. Dion is engaged in. I hardly think that this severance money can be described as "hush money."



## AUDITOR GENERAL'S REPORT

**Hon. Sharon Carstairs:** Honourable senators, in my time as Leader of the Government in the Senate, before the Auditor General tabled a report in both houses, she briefed the Leader of the Government in the Senate, as well as all other ministers impacted by such a report.

Can the Leader of the Government in the Senate tell us when she was briefed with respect to this particular audit report and what other ministers were briefed and when?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. The Auditor General briefs me, as the Leader of the Government in the Senate, as do all officers of Parliament with regard to their reports to Parliament.

In this particular case, I believe it was something that the Auditor General was asked to do specifically with regard to Ms. Ouimet and I was not briefed in advance.

## TREASURY BOARD

## ACCESS TO INFORMATION USER FEES

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. Last week we learned that the federal government is considering increasing user fees as the government reforms Canada's dysfunctional access to information system. According to an internal analysis conducted by Treasury Board, responsible for overseeing the Access to Information Act:

Amendments to the fee provisions of this act would help to control demand and reduce administrative costs.

Given that access to information is already difficult and limited under the Harper government, why is her government suggesting to further control access to information requests, a basic right of all Canadians, by increasing user fees?

**Hon. Marjory LeBreton (Leader of the Government):** I hate to disappoint the honourable senator, but our government has a better record. As a matter of fact, in the Information Commissioner's March 10 report, the only two organizations causing grief to the access to information regime are the CBC and Canada Post.

• (1440)

With regard to access to information fees, all access to information requests are handled by a delegated authority, and ministers and their staff are not involved in any of these requests.

[Translation]

**Senator Tardif:** Since the last reforms to the Access to Information Act were proposed, in 2002, the service standards have deteriorated considerably. For example, there are very long delays and fewer access requests are granted due to a broader definition of security exemptions and of matters that fall under cabinet confidence.

If your government increases user fees for access to information requests, will it commit to improving service standards, including wait times and refusal rates?

[English]

**Senator LeBreton:** Honourable senators, through the Federal Accountability Act, I believe our government increased by 70 the number of organizations that fall under the Access to Information Act. As the President of the Treasury Board has pointed out, the response time has been good and is improving, with the exception of Canada Post and CBC.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting four delayed answers to oral questions. The first was raised by Senator Mercer on November 16, 2010, concerning the Atlantic Gateway Strategy; the second by Senator Dyck on February 2, 2011, concerning Status of Women—funding for Aboriginal women; the third by Senator Mercer on February 2, 2011, concerning the Atlantic Gateway Strategy; and the fourth by Senator Day on March 1, 2011, concerning Veterans—operational stress injuries.

## ATLANTIC CANADA OPPORTUNITIES AGENCY

## ATLANTIC GATEWAY STRATEGY

*(Response to question raised by Hon. Terry M. Mercer on November 16, 2010)*

A total of \$229.24 million has been committed from the Gateways and Border Crossings Fund for the Atlantic Gateway. The total amount that has been spent as of February 24, 2011 is \$5,965,307.55.

## PUBLIC SAFETY

## ABORIGINAL WOMEN IN PRISONS

*(Response to question raised by Hon. Lillian Eva Dyck on February 2, 2011)*

Since 2007, through the Women's Program, Status of Women Canada has provided funding in support of 50 projects which provide culturally-relevant activities to address the needs of Aboriginal women and girls in the areas of ending violence, increasing economic security and prosperity, and encouraging leadership and democratic participation.

These projects total an approved funding amount of over \$12 million, and have addressed barriers to the participation of Aboriginal women in the social, economic and democratic life of Canada. For example, projects have: encouraged the recruitment and retention of Aboriginal women in non-traditional trades; increased financial literacy skills; and, increased opportunities for Aboriginal women to obtain leadership positions in various sectors.

Through culturally-relevant activities, these projects have supported the identification of the root causes of violence; the reduction of isolation and other societal factors contributing to violence; the identification and implementation of prevention and intervention tools; and increased awareness of individual responsibilities and roles in ending violence against Aboriginal women and girls.

In addition, the Government of Canada, through Status of Women Canada, provided \$5 million between 2005-2010 to the Native Women's Association of Canada for the *Sisters in Spirit* initiative to conduct research, document the cases of the murdered and missing women, and make the public, stakeholders and Aboriginal communities more aware of the complex origins and impacts of violence against Aboriginal women.

Most recently, funding in the amount of \$1.89 million was approved for the Native Women's Association of Canada project entitled *Evidence to Action II*. This project will build on the findings of previous work to strengthen the ability of communities, governments and service providers to respond to issues that relate to the root causes of violence against Aboriginal women and girls.

Other examples include:

- a project in Winnipeg, MB which engaged Aboriginal women and girls who have been in conflict with the law, or who are at risk of criminalization to provide them with personal supports and skills to assist in overcoming barriers to participation in their communities;
- a project in Prince Albert, SK which enabled criminalized Aboriginal women to increase their resolution and communication skills, as well as leadership and peer mentoring opportunities;
- a project which was delivered in ON, SK, BC, NB and QC which developed training tools and implemented strategies to facilitate and support Aboriginal women's re-integration into their communities after exiting prison; and,
- a project in Red Deer, AB which increased access to appropriate social, employment, and community supports and services for Aboriginal women who were living in transitional housing.

## ATLANTIC CANADA OPPORTUNITIES AGENCY

### ATLANTIC GATEWAY STRATEGY

(Response to question raised by Hon. Terry M. Mercer on February 2, 2011)

As of February 24, 2011, the following projects for Nova Scotia and New Brunswick, are to receive funding from the Gateways Border Crossings Fund (GBCF):

### New Brunswick

- Route 1 Twinning
- Port of Belledune expansion and improvements
- Port of Saint John: Cruise Gateway Project
- Fredericton International Airport: Runway and Lighting Upgrades
- Greater Moncton International Airport: Runway Extension
- St John Harbour Bridge Rehabilitation Project
- Port of Belledune: Modular Fabrication and Multimodal Transshipment Facility

### Nova Scotia

- Port of Halifax: South End Container Terminal Extension
- Port of Halifax: Richmond Terminals Multipurpose Gateway Extension
- Halifax Rail Cut Study
- Burnside Connector - Phase 1: connecting Hwys 102 and 107
- Truro High-Speed Interchange: junction of Hwys 102 and 104
- Rte 344: Upgrades of the access road to the proposed Melford Container Terminal
- Atlantic Gateway Marketing and Business Development
- Halifax Stanfield International Airport: Runway Extension

The total amount that has been spent on Atlantic Gateway projects as of February 24, 2011 is \$5,965,307.55.

### Commitments under the GBCF

See attached table.

(For table, see Appendix A, p. 2056.)

### Status of the Gateway Strategies

- The Government of Canada is actively working with the Atlantic provinces to finalize the Atlantic Gateway and Trade Corridor Strategy. We will not rush this process, but anticipate that we will soon have approval of all parties on a comprehensive and viable strategy.



- The Government of Canada is continuing to work in partnership with Ontario and Quebec as well as with the private sector to finalize the Continental Gateway Strategy.

## NATIONAL DEFENCE

### OPERATIONAL STRESS INJURIES

*(Response to question raised by Hon. Joseph A. Day on March 1, 2011)*

Military operational stress injuries may affect Canadian Forces members and Veterans, as well as their families.

The national centre for operational stress injuries is an integral part of Veterans Affairs Canada's mental health strategy. It is located at Ste. Anne's Hospital and builds on the work performed by Dr. Paquette who was instrumental in establishing the department's first operational stress injury clinic in 2002.

The national centre for operational stress injuries now manages a network of nine outpatient clinics in collaboration with provincial health care facilities across the country, as well as an in-patient residential treatment clinic established at Ste. Anne's Hospital.

In the fiscal year 2010-2011, this network of clinics provided support to more than 2,200 veterans, Royal Canadian Mounted Police and Canadian Forces members and family members.

Going forward, the national centre and its network of operational stress injury clinics remains a key element of the government's strategy to ensure that those who served Canada, and their families, get timely and excellent care when affected by operational stress injuries.

With the expertise of its staff, the expertise in the network of clinics, and by its key partnerships, the national centre continues to be well positioned to serve as a centre of expertise to support those who live with operational stress injuries. The national centre continues to provide this specialized support by:

- implementing innovative clinical service delivery tools and approaches for those who live with operational stress injuries;
- enhancing service-provider knowledge; and,
- fostering the use of evidence informed practices in assessment and treatment best practices.

Discussions with respect to the possible transfer of Ste. Anne's Hospital to the province of Quebec, will in no way diminish or compromise the ability of the national centre or its network of clinics to fulfill its commitment to support individuals and their families who live with operational stress injuries.

[English]

## ORDERS OF THE DAY

### SUPREME COURT ACT

#### BILL TO AMEND—SECOND READING— SPEAKER'S RULING

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Rivest, for the second reading of Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages).

**The Hon. the Speaker:** Honourable senators, I am prepared to rule on the point of order that was raised by Senator Cools on February 9, and which was also discussed the following day. The point of order asks questions about Bill C-232, An Act to amend the Supreme Court Act, and the possible need for Royal Consent and also what procedure should be followed if Royal Consent is required.

Our Parliament and our federal system of government have existed for almost 144 years. The basis of our governance structure is the *British North America Act, 1867*, a statute adopted by the Parliament of Westminster, now the *Constitution Act, 1867*. Before and since Confederation, a key component of our government has been the Crown, which forms the third constituent element of our bicameral Parliament. While the heritage which we share here in the Senate is rooted in the traditions of Westminster, over the course of time, as Canada has matured, it has become thoroughly our own in practice. With this perspective in mind, I have reviewed the point of order on the complex issue of Royal Consent.

[Translation]

At the outset, I wish to thank all honourable senators for their contributions to the discussion on this point of order. In particular, I wish to express my sincere appreciation to Senator Cools for raising this subject. It is not the first time that the senator has focused the attention of the Senate on the importance of Royal Consent. The senator has applied her formidable research talents and diligence to present a well documented position that underlines the importance of Royal Consent. We have all benefited from her knowledge of the history of parliamentary practice.

[English]

In making the argument for the need for Royal Consent, Senator Cools explained that the Sovereign, the Queen herself or the Governor General acting on her behalf, retains to this day certain prerogative powers. Among these prerogative powers, according to Senator Cools, is the appointment of judges. It is her contention that Bill C-232 would constrain the Queen's power of appointment by disabling individuals who would otherwise be qualified for a place on the bench of the Supreme Court. As this is the basic purpose of the bill, Senator Cools suggested that the

Senate might have no right to debate let alone adopt this bill absent Royal Consent. Senator Cools argued that the third reading question on the bill could not properly be put and, were this to happen, proceedings on the bill would be rendered null and void.

For this reason, Senator Cools asked the second question of her point of order, what procedure should be followed if Royal Consent is required, and was there a requirement to signify Royal Consent early in the proceedings? The position of Senator Cools was subsequently supported by the interventions made by Senator Comeau, the Deputy Leader of the Government, and Senators Carignan and Segal.

[Translation]

Senator Fraser and Senator Tardif, the Deputy Leader of the Opposition, had a contrary view on the need for Royal Consent with respect to Bill C-232. Speaking on February 10, Senator Fraser took note of the fact that prerogative powers can be abolished or limited by statute law. With respect to the Supreme Court, the senator noted that it came into existence by ordinary federal statute in 1875. So far as the senator could determine, there was no indication that Royal Consent was sought, let alone obtained, for the Supreme Court Act. On this basis, Senator Fraser concluded that there is strong precedent that Bill C-232 does not require Royal Consent. Senator Tardif focused the first part of her arguments on previous rulings in the Senate which suggest that debate should be allowed to continue even if it is determined that Royal Consent is required, particularly as the bill is far from reaching the final stage of the legislative process. The senator then reiterated the arguments of Senator Fraser, pointing out that the Supreme Court Act was a law passed by Parliament and that it is the right of Parliament to modify this law, including the criteria by which nominees might be qualified for appointment. As this is within the power of Parliament, Senator Tardif concluded that Bill C-232 does not require Royal Consent.

[English]

In reviewing the issues raised by these questions, I will first deal with the procedure to be followed with respect to obtaining Royal Consent, and will then examine Royal Consent itself. In attempting to provide the Senate with guidance on these issues, I have taken the initiative to go more deeply into the subject. The end result, I believe, is a clearer picture of what Royal Consent is and the role it plays today in our Canadian parliamentary system.

Beginning with the question of when Royal Consent should be sought or signified, there is certainly no prohibition to providing Royal Consent at the outset of deliberations on a bill. However, accepted Canadian practice suggests that Royal Consent need only be given prior to the third reading. There are several recent rulings by Speakers of the Senate that are consistent with this view. The intent of these rulings is to allow debate to the greatest extent possible. Debate should not be constrained by a procedural requirement, despite its constitutional importance, which can be signified at any stage. To do otherwise would undermine a fundamental purpose of Parliament. Accordingly, I confirm that Royal Consent, when it is required, can be postponed to the last stage.

Canadian practice also indicates that Royal Consent needs to be signified in only one house. More often than not, this has been in the House of Commons, where most government bills originate. However, Bill C-232 is a private members bill which originated in the House of Commons, and I note that no objection was raised in that chamber on the grounds of Royal Consent. In cases where a bill originates in the Senate and Royal Consent is determined to be required, it should be provided in the Senate prior to third reading. To ensure that this happens, it would be appropriate for a Speaker of the Senate to refuse to put the third reading question in the Senate until Royal Consent is signified.

• (1450)

One other point needs to be clarified. It has been stated that the absence of Royal Consent, when needed, could nullify the proceedings with respect to the related bill. This is true, but only within limits. To nullify proceedings in the Senate, the bill would still have to be in its possession. The authority of the Senate over bills applies only during the time the bills are actually in the Senate, either in the chamber for second or third reading or in committee. If the bill has been sent to the other place for its consideration, or has been passed and is now ready for Royal Assent, it is too late for the Senate on its own authority to undo its decision. Moreover, if the bill subsequently receives Royal Assent, which is the approval of the Crown, and becomes law, the question of Royal Consent becomes moot.

[Translation]

Turning to the more substantive question, it is clear that Royal Consent remains important and relevant. It provides an insight into the nature of our Parliament composed as it is of the Crown, Senate, and the House of Commons. In looking into this point of order, it is also evident that Royal Consent is sometimes confused with Royal Recommendation and Royal Assent, two other features of our parliamentary practice which highlight the importance of the Crown. A Royal Recommendation signals an authorization for the expenditure of public funds. It is provided by a minister in the House of Commons as a message of the Governor General approving the spending of public monies as proposed in a bill. Royal Assent, on the other hand, is the final stage in the legislative process when a bill passed by both houses of Parliament is enacted into law by the approval of the Governor General or a deputy, either here in person in the Senate or through a written declaration. Royal Consent is neither of these. It is instead a procedural requirement whenever a bill is considered by Parliament that touches the interests of the Sovereign, either the Queen herself or the Governor General acting on her behalf. According to *House of Commons Procedure and Practice*, the precedents in Canada indicate that Royal Consent is needed "when the property rights of the Crown are postponed, compromised or abandoned, or for any waiver of a prerogative of the Crown."

[English]

The origins of Royal Consent date back many centuries to a time when the King actually ruled; when the Sovereign exercised personal authority and power, well before Parliament established its ultimate supremacy. A noted 19th century British constitutionalist, Lord Brougham, explained during debate in the



House of Lords in 1844 that, in an earlier age, Royal Consent was used as a veto of the Crown expressed within Parliament to avoid any collision between the Sovereign and Parliament that might subsequently become overt with the refusal of the Crown to actually grant Royal Assent. However, with the recognition of parliamentary supremacy and the subsequent development of responsible government, the use of Royal Consent became not so much a veto as an acknowledgment that a prerogative power was involved in proposed legislation. While the lack of Royal Consent can ultimately block the passage of a bill, it should not be used to override the right of Parliament to free debate, the absolute right of Parliament to discuss any topic, to exercise its fundamental right to free speech guaranteed in the Bill of Rights of 1689.

Today, many of the powers of the Crown are exercised through the executive, the government of the day headed by the Prime Minister. These are the powers performed through the Governor-in-Council and virtually all are statutory authorities sanctioned by Parliament. At the same time, there remains a range of discretionary powers available to the Crown, its ancient customary powers. The range of these prerogative powers has contracted over time, yet what remains is certainly not insignificant. They are exercised by convention and by historical precedent, without the sanction of Parliament. The most notable and recognizable of these powers perhaps is the right of the Queen or the Governor General to dissolve Parliament and to appoint the Prime Minister. Others include the right to declare war or peace, the making of treaties, the issuing of passports, and the creation of Indian reserves.

[Translation]

Peter Hogg has explained in his work, *Constitutional Law of Canada*, "the royal prerogative consists of the powers and privileges accorded by common law to the Crown." He went on to state that, "The prerogative is a branch of the common law because it is the decisions of the courts which have determined its existence and extent." This relationship to the common law is in fact an essential characteristic of the prerogative powers of the Crown not yet framed in statute law by Parliament. When any of these prerogative powers do become defined by statute law, strictly speaking they cease to be a prerogative power. Professor Hogg makes this point very clearly when he writes, "the prerogative could be abolished or limited by statute and once a statute had occupied the ground formerly occupied by the prerogative, the Crown had to comply with the terms of the statute." Royal Consent is part of that process of putting the prerogative power within the framework of statute law. It is an internal parliamentary procedure that acknowledges that a common law power of the Crown is coming within the scope of Parliament.

[English]

In 1951, for example, Parliament considered Bill 192, to have the Governor General surrender the authority to grant permission previously required to allow a citizen under the Petition of Right to institute proceedings against the Crown in the Exchequer Court. This power existed in common law and its origins are traceable to the petitions received by the King from subjects seeking legal claims against the Crown in the courts. When the petition was accepted favourably, the King issued an order or fiat addressed to the court directing in effect: Let justice be

done. Immediately prior to third reading of Bill 192, the Minister of Justice informed the House of Commons that the Governor General had given his consent to have this bill put before Parliament for its determination.

[Translation]

Two years later, Royal Consent was signified again when Parliament debated and passed the Crown Liability Act, which made the federal Crown liable in tort for damages in much the same way as if it were a natural person. Previously, in common law, the Crown was almost entirely immune from any suit. On this occasion, Royal Consent was signified early in the process. Under the old financial procedure the bill had been preceded by a resolution stage before first reading. When the bill was read a first time, the Minister of Justice announced to the House, in the Royal Consent formula used in Canada, that the Governor General, having been acquainted with the purport of the measure to be introduced, had given consent, so far as Her Majesty's prerogatives were affected, to the consideration of the bill.

[English]

These examples, honourable senators, have been cited to demonstrate an essential criterion by which it is possible to determine whether Royal Consent is needed in a particular case, namely whether the prerogative in question exists through common law or through statute law. Where the power is related to common law, Royal Consent may be necessary; when related to an exercise of authority under the statute law, Royal Consent is not required.

A review of the precedents of the Canadian Parliament reveals that Royal Consent has been invoked only about two dozen times over the course of almost 144 years and many, many bills. More than a third of them occurred in the 19th century and some of these related to railways. The construction of railways was a large undertaking that involved liens with the Crown and the use of its lands. Other bills that prompted the need for Royal Consent over the years dealt with the establishment of national parks and Indian reserves. There is no evidence that any legislation relating to the Supreme Court was ever the object of Royal Consent.

• (1500)

[Translation]

The Supreme Court was established under the authority of section 101 of the British North America Act, 1867. This constitutional provision states that, "The Parliament of Canada may, notwithstanding anything in this Act, from Time to Time provide for the Constitution, Maintenance, and Organization of a General Court of Appeal for Canada, and for the Establishment of any additional Courts for the better Administration of the Laws of Canada." The creation of the Supreme Court was achieved by the enactment of a bill in 1875. This court has its origins in statute law; there is nothing of its existence based on any antecedent history; it has no basis in common law. The appointment of judges to the bench of the Supreme Court is pursuant to this 1875 Act. There is no common law prerogative power of appointment involved in this case.

[English]

It is important to add that the Letters Patent of 1947 are not, and were not, affected by the statutory creation of the Supreme Court. As provided in paragraph IV, the Governor General is authorized and empowered to constitute and appoint, on behalf of the Sovereign, all such judges as may be lawfully constituted or appointed. The Supreme Court is a lawfully constituted court and the authority of the Governor General to exercise the power of appointment was, and remains, on the advice of the appropriate minister. It is not a power that can be exercised by the Governor General independently on his own authority. Indeed, paragraph II of the Letters Patent of 1947 makes this clear. It stipulates that the Governor General, on the advice of the Privy Council for Canada, is to act on the basis of, among other authorities, "such laws as are or may hereinafter be enforced in Canada."

[Translation]

Bill C-232, if adopted, would be one more amendment to the Supreme Court Act. It would establish certain qualifications for appointment to the Supreme Court in addition to the ones that already exist. In addition to being a judge of a superior court or a member of a provincial bar with a minimum number of years of experience, this bill would require that candidates have a certain level of understanding in both official languages such that they would not need the assistance of interpretation. In accordance with the explanation already provided, this is an exercise of authority under statute law and there is no need to seek Royal Consent as part of the consideration of Bill C-232.

[English]

Honourable senators, this has been a lengthy ruling on an interesting issue. This point of order has provided an opportunity to outline the nature and scope of Royal Consent and to recognize its continuing relevance. A particular benefit brought out through the point of order was the recognition of the distinction to be made between the prerogative powers of the Crown based on common law and those exercised through statute law. Again, I wish to express my appreciation to Senator Cools and to all senators for their helpful contribution to this discussion.

In conclusion, it is my ruling that, when required, Royal Consent can be delayed to the last stage of a bill's consideration and, with respect to Bill C-232, Royal Consent is not needed.

### POINT OF ORDER

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, I rise on a point of order. I need to correct the record of our Debates of March 10, 2011. At that sitting, I spoke on my motion to urge the government to reverse its decision to replace the mandatory long-form census. At the conclusion of my speech, first Senator LeBreton and then Senator Greene rose to object, saying that I had misrepresented comments they had made on previous occasions here in the Senate about their own attitudes toward the long-form census.

Specifically, some months ago, they had each made statements describing their own disinclination to complete the questions on the mandatory long-form census when they received it. I had

interpreted their statements as referring to the 2006 census sent out by the Harper government, and they both took strenuous objection to that suggestion.

Honourable senators, I choose my words very carefully, particularly when speaking in this chamber. I try to listen closely to what each of my colleagues on all sides of the Senate are saying as well. I certainly would never intentionally misrepresent any statement made in this chamber by any senator. I checked the *Debates of the Senate* to see the source of my alleged misunderstanding of the facts. Here is what Senator LeBreton told this chamber on October 5, 2010:

Honourable senators, I put on the record the problems that I had a few years ago with the long-form census and how I was harassed. I do not think I lodged a complaint with Statistics Canada. I was threatened so many times I thought I had better fill it out rather than suffer the consequences.

According to the *Shorter Oxford Dictionary*, "few," which was the word she used — "a few years ago" — means "not many, hardly any." The 2006 census was some four and a half years before Senator LeBreton made those comments. The census before that was 10 years ago, and before that, 15 years ago.

Honourable senators, I think you would understand why I concluded that in referring to events of "a few years ago," I assumed that she was referring to the 2006 census, rather than the one that took place a decade or more earlier.

Senator LeBreton also appeared to interpret my remarks as suggesting that she did not fill out the census form at that time. She concluded her remarks after my speech by saying:

I resent very much that Senator Cowan would suggest that I broke the law, as a member of the government.

Honourable senators, nowhere in my remarks did I suggest that Senator LeBreton broke the law, whether as a member of the Harper government or as a private citizen. In fact, as I said in my speech, she made it clear that she did complete the long-form census, albeit reluctantly, that is, because it was mandatory. Indeed, that was my point. She would not have answered the questions but for the fact that it was mandatory.

Senator Greene also took exception to my comments about the statement he made in the chamber describing his experience with the census. In that statement on October 20, 2010, Senator Greene described his great reluctance to answer the questions posed in the census form and finally gave it to his daughter, telling her to complete it "as a kind of game" and "to make up any answers she did not know." Those were his exact words — "to make up any answers she did not know."

After my speech on March 10, Senator Greene rose to object to my description of his statement, saying his issue was not with the 2006 census but "an earlier one under the Martin or Chrétien governments." I question why that makes a difference, because the Government of Canada and its laws apply to all Canadians, regardless of which political party they happen to belong.



On Senator Greene's point, let me quote from his statement in this chamber on October 20, 2010:

First, I am not one who takes to the filling out of forms easily. Therefore, when the last census arrived in its incredibly long form, I put it to one side. The one thing that saved it from the trash was that it was the census from my government.

The last census, of course, was the 2006 census. Senator Greene may have misspoken when he addressed this chamber with his statement, but I believe he would agree that my interpretation of his remarks was accurate based on the words that he used. He said "the last census," and the last census was in 2006. That is a simple fact.

• (1510)

Honourable senators, the point that I was making in my speech stands uncontroverted. Senator LeBreton keeps telling this chamber that she is confident all Canadians will complete the new National Household Survey, which will contain the exact same questions that would have appeared on the mandatory long-form census. Yet, Senator LeBreton and Senator Greene both made it clear that they only answered the questions on the long-form census because it was mandatory. Whichever government sent out the census —

**Senator LeBreton:** We thought we would be thrown in jail.

**Senator Cowan:** I would not want to go too far down that road.

Whichever government sent out the census, whether it was the 2006 census, the 2001 census, or an even earlier census, is irrelevant to the issue. These two Canadians would not have completed the long-form census had it only been a voluntary household survey.

Senator LeBreton will have an opportunity to speak to this inquiry, and I will listen to her very carefully, as I would ask her to listen to me. I have an inquiry on the record. Any time Senator LeBreton would like to speak to that inquiry, I would be happy to listen carefully to what she has to say. I ask Senator LeBreton to accord me the same respect when I am speaking.

Honourable senators, these two Canadians would not have completed the long-form census had it only been a voluntary household survey. Once again, I hope that members of this chamber support my motion and ask the government to reverse its regrettable decision to do away with the mandatory long-form census.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I was listening as carefully as I possibly could to determine if there was, in fact, a point of order. I am still waiting for the point of order. It appears to be a continuation of Senator Cowan's inquiry which is on the record. I cannot see why Senator Cowan would make another speech on the same issue, other than the fact that he had already spoken to it before and had finished his speech on the inquiry, so obviously he decided to add more comments to his speech through a point of order. I do not see a point of order.

**The Hon. the Speaker:** I thank honourable senators for their comments. I will reserve my decision to see whether I can mine the data that is before us.

## POINT OF ORDER

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, may I rise on a real point of order?

Honourable senators, during Senators' Statements, Senator Ringuette raised the issue of the sale of Atomic Energy of Canada Limited. Senator Ringuette spoke for about three minutes on this subject. As I understand it, rule 22(4) of the *Rules of the Senate of Canada* says that items that are before this chamber under other venues, under other points of debate, either as inquiries, motions or bills should not take up the time that is reserved for Senators' Statements.

Honourable senators, Senator Ringuette could have spoken to the subject of the sale of AECL under Bill S-225. I believe Senator Hervieux-Payette has the bill before her.

Honourable senators, given that there is no such thing as raising a point of order under Senators' Statements, we have to suffer through the whole statement and get to Orders of the Day before we can raise the point of order. Honourable senators, that is my point of order.

**Hon. Pierrette Ringuette:** Honourable senators, I remind Senator Comeau that the issue in my statement concerned the AECL engineers who held a press conference this morning in the Charles Lynch Room. I attended the meeting.

Honourable senators, I pointed out in my statement that for 50 years Canadians have invested in their nuclear future. The engineers at AECL have spent the same 50 years investing their knowledge for Canadians. At the meeting this morning, the engineers questioned the current government's wisdom of wanting to dispel that authority, that knowledge base, that safety factor. My statement questioned whether the Government of Canada has the moral ability to dispel this knowledge base, taking into consideration the recent and continued events with regard to nuclear technology in Japan. Therefore, Your Honour, I find the point of order raised by my honourable colleague to be futile.

**The Hon. the Speaker:** Honourable senators, the chair will read the record for today. I will take the opportunity to remind honourable senators of the importance of rule 22(4) about not anticipating items that are on the Order Paper. There is a long history of reasons for that. I will take the matter under consideration.

[Translation]

## CRIMINAL CODE

### BILL TO AMEND—THIRD READING

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** moved the third reading of Bill C-30, An Act to amend the Criminal Code.

(Motion agreed to and bill read third time and passed.)

[English]

## IMMIGRATION AND REFUGEE PROTECTION ACT

### BILL TO AMEND—THIRD READING

**Hon. Nicole Eaton** moved third reading of Bill C-35, An Act to amend the Immigration and Refugee Protection Act.

She said: Honourable senators, it is with pride that I rise today to move third reading of Bill C-35, An Act to amend the Immigration and Refugee Protection Act. I thank Senator Jaffer the critic of this bill. "Critic" is perhaps the wrong word, as Senator Jaffer was quite supportive of it. This bill was unanimously supported, as you all know, in the other place. We went through it extensively at committee. With Senator Jaffer's help, we passed the bill at committee and are now bringing it back here to the Senate. I hope you will all support it.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read third time and passed.)

## AERONAUTICS ACT

### BILL TO AMEND—THIRD READING

**Hon. Michael L. MacDonald** moved third reading of Bill C-42, An Act to amend the Aeronautics Act.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read third time and passed.)

• (1520)

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tardif, for the second reading of Bill S-204, An Act to amend the Criminal Code (protection of children).

**Hon. Nancy Ruth:** Honourable senators, I speak to you as a colleague and as chair of the Standing Senate Committee on Human Rights. I want to tell you about our committee's report, which would support Bill S-204.

I see Bill S-204 as a first step in a new era of addressing family violence in this country. I wish the bill went further. I believe that the federal government should put in place a national strategy on the reduction of violence in families. I believe that we should treat families with respect. Respect does not tolerate any form of physical or mental violence in the home to anyone.

Our current laws do not protect reasonable chastisement of one spouse by another. Our laws on spousal violence used to favour those who had power over those who did not have power. Why should our law protect reasonable chastisement of a child by a parent when the parent has all the power?

Section 43 of the Criminal Code is from another time. It protects the power relationship when it should protect the child.

Since the Second World War, Canada has strengthened its laws on spousal violence, largely as the result of informed and relentless pressure from women affected by family violence. Family violence is a deeply rooted and common problem. It results in significant human and economic costs for individuals, families and our society.

Children, the most vulnerable, cannot undertake research, create grassroots resources and mount advocacy campaigns to change the law, which is so against them. Parliamentarians changed the law to protect spouses, and we should change the law to protect children.

I believe that as parliamentarians, we have to ensure that we take a systemic view of children and the use of force. We all have personal stories about corporal punishment in our families. The stories may be interesting, they may have happy outcomes or sad outcomes, but they should not govern whether we, as parliamentarians, consider corporal punishment in the home to be acceptable or not.

Taking the systemic view, Canadians live in a society that experiences and tolerates high levels of interpersonal violence in the home. The violence is often gendered and racialized; it takes advantage of the young and the old.

If we are serious about addressing this real and costly reality, we need to take a clear, consistent and comprehensive position on violence. We need to say that interpersonal violence is wrong in every instance; that there is no exception for certain categories of interpersonal violence, including the "light" version of disciplining children, the sort of thing the Supreme Court of Canada protected in the 2004 decision on section 43, minor corrective force of a transitory or trifling nature — it all causes some pain, discomfort or humiliation and it all leaves a legacy of justification for the next generation to continue to use it; and that there are positive alternative methods of relating and communicating for all of the situations in which violence has been the norm, including child rearing.

Canada signed the UN Convention on the Rights of the Child on May 28, 1990. We ratified it in 1991, and 20 years later, we are dealing with this same issue.



I commend to all senators the April 2007 report of the Standing Senate Committee on Human Rights entitled *Children: The Silenced Citizens*. Chapter 6 of that report focuses on violence against children. It points out that Article 19 of the convention:

... provides for a broad protection of children from abuse and neglect, holding that:

Art.19(1) States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

(2) Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Canada could have reserved section 43 of the Criminal Code when it signed and ratified the convention, but it did not. I applaud Canada's historical reticence to use reservations to "pick and choose" amongst human rights. It was as clear then as it is today that section 43 of our Criminal Code violates the convention.

Why do we make human rights commitments and then ignore them or allow them to languish in some form of half-life?

I urge honourable senators to take their lead from *Children: The Silenced Citizens*, which recommended that the federal government take steps to eliminate corporal punishment in Canada by:

The immediate launch of an extensive public and parental education campaign with respect to the negative effects of corporal punishment and the need to foster enhanced parent-child communication based on alternative forms of discipline, and

Calling on the Department of Health to undertake research into alternative methods of discipline, as well as the effects of corporal punishment on children; and

Repeal of section 43 of the Criminal Code by April of 2009; ...

The committee said April of 2009. Well, how about by April of 2011 — let us give it a try.

The report also recommended:

Calling on the Department of Justice to undertake an analysis of whether existing common-law defences — such as necessity and the *de minimis* defence — should be made expressly available to persons charged with assault against a child.

Parliament has a full capacity to exceed the standards of protection laid down by the Supreme Court of Canada. The court upheld the constitutionality of section 43 of the Criminal Code.

The fact that the court is not prepared to strike down a matter does not mean that Parliament is bound to maintain the provision forever. Parliament has the power to amend or repeal a provision that is constitutional, which Parliament determines should be changed. Indeed, when it comes to human rights and to equality, Parliament should hold itself to the highest standards of positive action contemplated by the provision.

Is this highest standard of positive action not what the government has held itself to in supporting maternal and child health? Bill S-204 holds Parliament precisely to that standard.

Earlier in this decade, Scotland adopted a wide-reaching National Strategy to Address Domestic Abuse in Scotland, and other countries have taken similar initiatives. The focus of this strategy was domestic violence against women. We are becoming more aware of all the aspects of physical and mental violence in the home with respect to the young and the old, with respect to women and girls and with respect to different racialized communities.

Canada has an extensive research and knowledge base on these issues. Canada has a track record of law reform and social service innovation. We remain, however, a country where violence in the home is deeply present, with violence begetting more violence.

It is time for a national strategy on violence in the home, and I urge honourable senators and the federal government to make this strategy a priority and start the strategy by passing Bill S-204.

(On motion of Senator Comeau, debate adjourned.)

• (1530)

## CONTROLLED DRUGS AND SUBSTANCES ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Brown, for the second reading of Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

**Hon. Sharon Carstairs:** Honourable senators, I rise to speak to Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

Honourable senators, in my review of this bill, I found no urgent reason for its passage. News stories frequently report arrests for the possession of precursors of these drugs. As honourable senators know, neither methamphetamine nor ecstasy

are naturally occurring substances; they are drugs made from products that can be found in many homes, such as cold medication and even cat litter.

Honourable senators, if arrests are being made, which they certainly are, then I fail to understand why further legislation is required. In a review of my correspondence, I have not found any letters or emails from citizens or police organizations requesting such legislation. The government clearly has not considered it a vital issue, since despite numerous so-called "tough on crime" bills; they have not chosen to move on this issue. For example, the government could have included this particular bill with Bill S-10, which targeted illegal drugs. They chose not to.

I want honourable senators to know what I have heard from hundreds of Canadians and even members of law enforcement agencies. These are the requests to pass legislation that has as its theme, a harm reduction strategy with respect to drug usage in this country. A harm reduction strategy has four essential parts. The first part of the strategy is prevention, which includes promoting healthy families and communities, protecting child and youth development, preventing or delaying the start of substance abuse among young people, and reducing harm associated with substance use. Successful prevention efforts aim to improve the health of the general population and reduce differences in health between groups of people.

Treatment is the second part of an appropriate drug strategy. Treatment includes offering individuals access to services that help them come to terms with the problems of substance use and how to lead healthier lives. These services include outpatient and peer based counselling, methadone programs, daytime and residential treatment, housing support and ongoing medical care.

The third part of a harm reduction strategy is harm reduction. This part includes reducing the number and spread of deadly, communicable diseases; preventing drug overdose deaths; increasing substance users' contact with health care services and drug treatment programs; and reducing consumption of drugs in the street.

The fourth and final aspect is enforcement. Honourable senators, in recognition of the need for peace and quiet, and public order and safety in the neighbourhoods the enforcement aspect of the strategy targets organized crime, drug dealing, drug houses and problem businesses involved in the drug trade. It strives to improve coordination with health services and other agencies that link drug users to withdrawal management detoxification centres, treatment, counselling and prevention services.

Honourable senators, this bill does nothing with regard to prevention, treatment and harm reduction. I believe it can be argued it does not even do much for enforcement because of the number of arrests already being made for the possession of the precursors of these drugs. I would suggest to honourable senators that this bill is a feel-good bill, but it does not do any real good; it makes us believe we are doing something when in reality we are not.

I will not oppose the bill; I am simply not a very enthusiastic supporter of it. As a politician, I am always concerned that we not support legislation that raises an expectation that we are solving a problem when, in reality, we are not.

I will ask some questions. Will this bill result in one child not being attracted to drugs? The answer is no. Will this bill provide treatment for one person, particularly a teenager who might be able to be saved from a lifetime on drugs? The answer is no. Will this bill prevent overdoses, communicable diseases or increased health care costs? The answer is no. Will this bill make it easier for law enforcement agencies to make further arrests? The answer is perhaps, although they already have very far-ranging powers.

If this is the purpose, and if it does this, perhaps this bill is of some value, limited though it may be.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Senator Comeau:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

## ITALIAN-CANADIAN RECOGNITION AND RESTITUTION BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill C-302, An Act to recognize the injustice that was done to persons of Italian origin through their "enemy alien" designation and internment during the Second World War, and to provide for restitution and promote education on Italian-Canadian history.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)



## REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Tardif, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

## PATENT ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Sharon Carstairs** moved second reading of Bill C-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

She said: Honourable senators, I rise today to speak to a bill that I think is the very best of private members' bills. I mean that Bill C-393 is the kind of bill that received support from all parties in the other place. Yes, some did not support the bill; some of those were in the Conservative Party and some were in my party. The vast majority of members of the other place — 172 in total — supported this important piece of legislation. Honourable senators, I rise with a great deal of pleasure to speak to Bill C-393, whose purpose is to reform Canada's Access to Medicines Regime, better known as CAMR.

What is CAMR and why does it need to be amended?

I would ask honourable senators to cast their minds back to 2004 when the CAMR legislation was passed unanimously, in not only the House of Commons but also here in the Senate. Its purpose was to provide inexpensive drugs to a limited number of Third World countries to ensure that human beings in those countries did not die needlessly from treatable diseases like malaria, tuberculosis and HIV/AIDS.

• (1540)

The original bill envisaged a mechanism for issuing what are known as compulsory licenses on patented medicines. These licences authorized exports of lower-cost, generic versions of the expensive, brand name medicines to eligible developing countries.

The tragedy is that, seven years later, only one licence has been issued for one AIDS drug to one country, Rwanda. The good thing is that 21,000 Rwandans will live longer and better lives as a result of this drug. Why have we been unable to manufacture and to sell to these developing countries more of these appropriate drugs?

The tragedy is that the legislation, not by itself but by way of regulation, became so cumbersome that Apotex Inc., who made the only AIDS drug, will not make any others under the current process. All other generic drug makers have also failed to respond. Yet, 23 million sub-Saharan Africans are living with HIV or AIDS, and even more suffer and die from malaria.

This bill, which fixes the problem, must be passed if we are to meet our humanitarian obligations to Africa.

This is not the first time this bill has been before this chamber in principle. Former Senator Yoine Goldstein brought this bill before us, and I took it over upon his retirement, only to have it die on the order paper because of prorogation. However, the bill did go to committee. A similar bill was also introduced in the House of Commons at the same time. As the House of Commons has a procedure to restart private members' bills after prorogation, which this institution does not, I deferred to the bill in the other place.

Now, after their passage of this bill, we have this legislation once again before us. I can only hope that on this basis it will go to committee quickly, since it has already been in our Standing Senate Committee on Banking, Trade and Commerce.

This bill has enormous support from artists, musicians, the Grandmothers to Grandmothers Campaign, church leaders and Canadians from coast to coast. Indeed, in one poll, 80 per cent of Canadians indicated they supported this initiative.

We have all received emails. Certainly, my office has received e-mails by the hundreds urging us to support this bill as quickly as we possibly can.

Honourable senators, I could spend my time this afternoon talking about those poignant, heart-wrenching cases of people who are dying needlessly in foreign destinations. However, I believe that every single member of this chamber supports the bill ensuring that drugs reach those who need them. I do not think anyone in this place does not agree with that goal.

**Some Hon. Senators:** Hear, hear.

**Senator Carstairs:** Where there may be disagreement is within the actual provisions of the bill itself. I will deal with the arguments that some have posed as to why we should not pass this bill.

One argument is that Bill C-393 would weaken current safeguards aimed at ensuring that medicines are not diverted or illegally sold. Critics of Bill C-393 have claimed this bill will weaken existing measures of Canada's Access to Medicines Regime to prevent diversion and illegal resale of medicines, or that the bill would allow substandard medicines to be exported to developing countries. These claims, in my view, were never accurate. However, in any event, such objections are no longer valid as those clauses that were giving rise to some of that negativity were removed in the House of Commons. The bill before honourable senators does not include those phrases.

All the requirements to disclose quantities of medicine being shipped, and to which countries, are also preserved. These safeguards were already deemed satisfactory by Parliament in 2004. I think they will continue to be satisfactory in 2011.

Another argument is that Bill C-393 would remove measures to ensure the quality of medicines being supplied to developing countries. Clearly, anything leaving this country must be of the highest quality. The claim made here is simply not true. Under Bill C-393, a Health Canada review must continue to be required for all exports under CAMR.

Another argument is that Bill C-393's amendments would violate Canada's obligations under the World Trade Organization treaty on intellectual property rights. Detailed analyses, including those by some of the world's leading legal experts on the subject, have shown that this argument is not correct.

All countries at the WTO, including Canada, have repeatedly and explicitly agreed that issuing compulsory licences on patented medicines to facilitate exports of lower priced, generic medicines is entirely consistent with WTO rules. WTO members agreed in the 2001 Doha Declaration that the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, TRIPS, can and should be implemented and interpreted in ways that support WTO members in protecting public health, including promoting access to medicines for all.

In the same Doha Declaration, WTO members also explicitly agreed that developing countries need to be able to make effective use of compulsory licensing to this end. This licensing is the very purpose of CAMR in the first place. Bill C-393's one-licence solution simply eliminates the unnecessary bureaucratic impediments of using the system so that the licensing system is simple and flexible to address the evolving needs of developing countries.

Independent international legal experts have confirmed that the one-licence solution complies with WTO law. These experts include one of the world's leading experts, Professor Frederick Abbott, who co-authored the leading international text on this subject and was actively engaged in negotiating the decision by the WTO general council in 2003. That decision is the basis for CAMR. Professor Abbott has twice testified before Parliament that the one-licence solution is WTO-compliant.

Earlier this year, the United Nations Development Programme convened an international consultation with legal experts who reviewed Bill C-393 and also concluded the one-licence mechanism was consistent with WTO rules. The director of the intellectual property division at the WTO secretariat has also twice testified before Parliament emphasizing that WTO members have insisted on maintaining their flexibility when it comes to legislating on intellectual property issues.

A further argument is that Bill C-393 and the one-licence solution is unfair to brand-name pharmaceutical companies. This claim makes no sense. The proposed one-licence solution does not, as some inaccurately claim, create unfair competition for brand-name pharmaceutical companies.

To be clear, nothing in Bill C-393 prevents brand-name pharmaceutical companies from competing to supply their patented products to developing countries. Indeed, we wish they would. Rather, Bill C-393 aims to enable competition by generics to supply those eligible countries, and preserves the requirement that general manufacturers pay royalties to patent holding pharmaceutical companies in the event of any compulsory license being issued according to the existing CAMR formula already enacted by Parliament. Bill C-393 is about making this requirement workable: something already endorsed by Parliament.

• (1550)

Competition in the global marketplace has been the single most important factor driving down the prices of medicines to bring them within reach of developing countries. These dramatically reduced prices have made it possible to scale up AIDS treatment, such that 5.2 million people in the developing world are now receiving these life-saving medicines, although this is still only 36 per cent of the 14.6 million who currently need it according to the World Health Organization. CAMR is supposed to enable such competition, which is increasingly important as it becomes more challenging for developing countries to obtain the Indian-made generic medicines that have been central to treatment successes so far.

Encouraging such competition is the very function of a mechanism such as CAMR. It permits compulsory licensing of patented medicines for the limited purpose of exporting lower-cost generic medicines to eligible countries. All WTO member countries have already repeatedly endorsed compulsory licensing for this purpose.

Some will argue that Canadian generic drug manufacturers will not be able to supply medicines at prices competitive with generic manufacturers elsewhere, primarily in India. This claim is simply unfounded. Indeed, the goal is not to get business for Canadian companies; the goal is to get quality medicines at the lowest possible price for as many patients in developing countries as possible. It makes no sense, I would suggest, honourable senators, to simply assume that Canadian companies cannot compete globally. They often do already.

Indeed, in the one case to date in which the CAMR legislation has been used, the Canadian generic drug company supplied the medicine to Rwanda at exactly the same price being offered by the Indian generic manufacturers: 19.5 U.S. cents a tablet, or 39 cents a day for the daily dose of two tablets. That is 39 cents a day, honourable senators, and we can save people's lives.

Furthermore, the simpler it is for developing countries and generic manufacturers to use CAMR to supply multiple developing countries, the greater the economies of scale and the lower the costs of production that can be achieved by generic manufacturers in Canada. As it stands, CAMR presently impedes effective competition by Canadian generic companies. Those who support greater competition in the market, including by Canadian companies, should support the one-licence solution proposed by Bill C-393, since it would make it easier for Canadian companies to compete globally to supply medicines at the lowest possible price. More competition ultimately benefits those developing countries that need to purchase the medicines and hence the patients in those countries.

Streamlining CAMR would undermine incentives for brand name pharmaceutical companies to research and develop new medicines, some critics say.

I do not believe that that claim is credible. Exports to high-income countries, in which brand-name pharmaceutical companies make the vast majority of their profits and on which they base their decisions about R&D, are not authorized by the CAMR legislation. CAMR only authorizes exports of generic



versions of patented medicines to certain eligible countries. Those countries were already agreed upon by Canada and all WTO members in 2003 and they are already reflected in the current CAMR as created by Parliament in 2004. Those countries represent a minor portion of total global pharmaceutical sales and the profits of brand name pharmaceutical companies. For example, the entire continent of Africa, the hardest hit by the AIDS pandemic, represents less than 2 per cent of global pharmaceutical sales. As brand-name drug companies make little or no profit in developing countries, these markets have little or no impact, I would suggest, on their investments in research and development. Leading Canadian academic experts in the economics of the pharmaceutical industry have also testified to this effect before the industry committee of the House of Commons.

Furthermore, the brand-name drug companies are entitled to receive royalties on these sales of generic medicines. Bill C-393's one-licence solution does not change these limitations and requirements in any way. Rather, it simply streamlines the licensing process so that CAMR is easy to use to supply more affordable medicines to the countries already agreed to unanimously by our Parliament.

The argument that the barrier to greater access is not the price of medicines but rather widespread poverty and the inadequate health systems of these countries is an argument that, frankly, saddens me.

Of course, there are multiple barriers to access to medicines in the developing world which vary from country to country and even within a given country. Major progress has been made in increasing access to treatment, including by strengthening health systems. It is simply inaccurate to claim the quality of health or physical infrastructure in some developing countries presents an insurmountable challenge to delivering affordable medicines. For example, with determination and innovative approaches, AIDS treatment is being delivered effectively in some of the most resource-limited settings imaginable. In just a few years, millions of people have been put on life-saving AIDS drugs in developing countries, thanks to both effective global investments in health systems — for example, through the Global Fund to Fight AIDS, Tuberculosis and Malaria — and the use of generic medicines purchased at dramatically lower prices. However, we are simply not reaching the millions who deserve these treatments.

Every credible organization and expert recognizes the obvious fact that the price of medicines is a key factor affecting access to these very medicines and that the prices of medicines prevent many patients with HIV, AIDS, tuberculosis or malaria from accessing life-saving treatments. Prices are higher when medicines are available only from brand-name pharmaceutical companies that hold patents on those medicines.

Making medicines affordable, strengthening health systems and other initiatives to tackle poverty and improve health in developing countries are not mutually exclusive. Rather, they are complementary and all are necessary. All the clinics, doctors and nurses in the world will not be able to help patients if they cannot give them the medicines they require because they cannot afford to purchase them.

Streamlining CAMR could effectively assist developing countries in overcoming one of the major barriers to affordable treatment. The lower the prices of medicines, the more people can be treated with limited resources and the more resources are then freed up for investing in infrastructure and other aspects of health care that are also so needed in these settings.

Some have also suggested that fixing CAMR is not worthwhile because it does not solve all the health, poverty and infrastructure challenges of the developing world. Following this logic, progress on any one social or economic problem could be pursued only if the proposed solution resolved all problems. No one has suggested that fixing CAMR is a panacea. It is, however, a practical, tangible part of a solution that will realize positive results. Pointing to other challenges that must also be addressed is not a justification for failing to support CAMR reform.

Finally, some would argue that CAMR worked quickly once the first application for a compulsory licence was made; therefore, there are no delays or impediments to CAMR and that CAMR works well. It is true that once the first application for a licence was filed, it was issued reasonably quickly. However, it is not true to claim that it took only 68 days from start to finish of the process, which is a claim often heard from the brand-name pharmaceutical companies. This simply ignores more than a year of lost time attempting to negotiate for a voluntary licence when the brand-name companies would not agree to any licence without a specific developing country being identified. As long as no specific country could be named, the licensing process was stuck in limbo and the possibility of exporting medicines was stalled.

• (1600)

The one-licence solution proposed in Bill C-393 would avoid this hurdle by not limiting a compulsory licence to authorizing supply to just one specific country, but instead authorizing exports to any of the developing countries that are already recognized currently in CAMR as being eligible importing countries.

Honourable senators, Canadians support this bill because Canadians are a generous people. They believe we must respond to those in Third World nations who are dying needlessly from diseases that we know we can either cure and/or treat.

Let us respond in this chamber with the same generosity shown by Canadians. Let us quickly send this bill to committee and let us quickly support it at third reading because it is simply the right thing to do. Canadians not only can be a leader, we must choose to lead. Here is our opportunity, honourable senators.

**Hon. Stephen Greene:** I would like to move the adjournment of the debate.

**Hon. Lowell Murray:** I wonder if my friend would hold his motion long enough for me to say a few words on the bill.

Honourable senators, this is a bill that seeks to facilitate, perhaps even to expedite, the manufacture and export of needed drugs and treatments to parts of the world that still suffer grievously from the scourge of tuberculosis, malaria and

HIV/AIDS. One thinks in particular of sub-Saharan Africa, where, we are told — and I think Senator Carstairs told us today — there are some 23 million people affected with HIV/AIDS alone. That is Africa.

I would like to begin with Canada, if I may. Late in 1993, a friend of mine came to see me to tell me that he had been just diagnosed with HIV/AIDS and that the prognosis he had been given was that he had three or four good years left to him. That was in 1993.

This is 2011, going on 18 years later, and that man is still with us, still working, still going strong. Why? Because of new drugs and new treatments that have come along in this country and, I suppose, in other Western developed countries, and because of their availability here and in other Western developed countries.

In our civilization, tremendous progress was made on TB and malaria many years ago, however, the progress that has been made on HIV/AIDS, in particular, in our lifetime, in very recent memory has been stupendous.

Several weeks ago, I happened to run into another friend of mine, a man I met while I was travelling overseas on Senate business a few years ago, who is an expert on these matters. He is a medical doctor who has written and taught extensively in the field of infectious diseases and, more importantly, has worked in HIV/AIDS clinics both in this country and in Africa.

We got to discussing his field, which is perhaps rather more interesting than mine, and he told me of having been invited to the fiftieth birthday party of a man whom he had diagnosed in 1984. He told me that he is seeing patients that he first diagnosed 20 years ago and more.

Why is that? It is because of the new treatments and the new combinations of treatments and drugs that have come along, and their availability here in this country.

Perhaps this would not be news to those of you who follow these matters more carefully or know more about them than I do, but he even told me about how his profession is now able to treat the unborn child of an infected mother in the womb. In no case that he has been involved in has the baby been born with the infection. To me, as a layman — as I think most of us here are — this is truly mind-boggling to contemplate. In our very recent memory, a diagnosis of HIV/AIDS was a death sentence.

What we are talking about here is trying to do something to bring the blessings and the benefits that we have known in recent times in this country to other countries that are sorely afflicted. Senator Carstairs said 23 million in sub-Saharan Africa; 2.3 million children is the number I saw somewhere, perhaps in the record of the House of Commons or of our committee on a previous bill.

I am aware, as Senator Carstairs has said, that some objection is taken in certain quarters to parts or all of this bill. However, I have read through — albeit rather quickly — the testimony at the committee when the committee had Senator Goldstein's bill before it. While there are arguments put forward, as there usually

are, by experts on both sides, I come to the conclusion that if I am in any doubt, then I will give the benefit of the doubt to this bill, because it seems to me to be the only game in town. I do not see any other proposals on the table to allow us to achieve the objective that is set out in this bill.

We know, because the media tells us, as they have been telling us in increasing volume over the past month or two, that there is always the possibility of a spring election. Let me make it clear: I am betting against a spring election. I do not believe there will be a spring election.

I know that to read the media, one would think the chances are 10:1 in favour of a spring election. As I said to Senator Greene last night, on that basis, I am prepared to put my \$10 on the table for anyone who is prepared to put his \$100, and I will bet against an election.

However, out of an abundance of caution and prudence in this place, we definitely should consider what we might do with a bill such as this against the possibility of dissolution in the next week or two.

I think a strong case can be made for fast-tracking this bill, not just because of the humanitarian urgency that it represents, but also because we had an identical bill before us within the past two years. That bill was Bill S-232, which was Senator Goldstein's. It went to the Standing Senate Committee on Banking, Trade and Commerce. I believe it was examined there for six days and the committee had before it a very impressive roster of witnesses. A strong case can be made, not just on humanitarian grounds but on procedural grounds for fast tracking the bill and letting it go to committee as soon as we can.

• (1610)

Honourable senators, if we are looking at the end of the Fortieth Parliament sometime in the next week or two, let us resolve to end it on a high note; let us resolve to end it on a major, bipartisan note. Let us try to do something that will do honour to this institution and to our country, and that will try also to do justice to some of the most afflicted people in the world.

**Some Hon. Senators:** Hear, hear!

**Senator Greene:** Honourable senators, Senator Murray's words are inspiring; however, I would like to adjourn the debate for the balance of my time.

(On motion of Senator Greene, debate adjourned, on division.)

## STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

SIXTH REPORT OF FISHERIES AND OCEANS  
COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Tardif, for the adoption of the sixth report



(interim) of the Standing Senate Committee on Fisheries and Oceans, entitled: *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and British Columbia*, deposited with the Clerk of the Senate on December 20, 2010.

**Hon. Dennis Glen Patterson:** Honourable senators, I would like to speak to the report of the Standing Senate Committee on Fisheries and Oceans entitled *Seeing the Light*, regarding staffed lighthouses in British Columbia and Newfoundland and Labrador.

Honourable senators, my able colleagues on this committee have spoken of the findings of our report, and today I want to relate my experiences as a member of the Standing Senate Committee on Fisheries and Oceans studying this important subject.

As a member of the committee, I was sometimes asked by honourable senators why I was flying in a Coast Guard helicopter to visit lighthouses in remote locations. Some questioned me on the importance of what we were doing.

I quickly found out that this subject of lighthouses was not only absorbing, but also that very important to Canadians. We heard the Honourable Senator Bill Rompkey, the veteran and esteemed chair of our committee, describe this work as one of the most satisfying in a long and distinguished career in the Senate. I know what Senator Rompkey means, and I would like to tell honourable senators some of my experiences during our fact-finding missions regarding lighthouses.

In Grand Bank, Newfoundland and Labrador, a town of about 2,500 people on the southern tip of the Burin Peninsula, we attended a town hall meeting organized for us by Mayor Darrell Lafosse. Members of the Heritage Development Society, fishers, local artists, entrepreneurs, economic development officers, the Grand Bank Harbour Authority and mariners attended the meeting. They all came to talk about what they all called "our lighthouse," built in 1890, what it meant to them, how important a part of their community it was, and how concerned they were that it was being neglected and deteriorating. The light in the harbour is on a pier and the foundation is eroding from the action of the sea.

Honourable senators, the participants at the meeting spoke about how much they see the lighthouse as the very identity of their community and how much they want to be involved in taking care of their lighthouse. They also talked about the importance of the staffed lighthouse at Green Island, located at the mouth of Fortune Bay.

We flew by Coast Guard helicopter to the lighthouse at Green Island, where we heard from lighthouse keepers about a local mariner named Michel. The keepers pulled Michel out of the water onto their ramp just a few weeks earlier. Michel was on the way back to Saint-Pierre and Miquelon from Fortune and ran into sudden bad weather, which is not unusual in those waters. He could not go forward and could not make it back to Fortune in

his 18-foot boat. Had it not been for the lightkeepers plucking he and his mother out of those wild seas and hauling his boat up on their ramp, they would not have made it. Michel showed up at the town hall meeting that afternoon and we had the opportunity to meet him in the flesh. He was so grateful to the keepers, saying they had saved his life and his mother's life, too. Honourable senators, how do you put a price on that?

Michel told us that when he left Fortune that the water was dead calm; the forecast had called for winds from 15-20 knots in the strait. However, after 20 minutes at Dantzic Point he could not even turn around, the water had turned white. The weather was so bad that he and his mother were at the Green Island lighthouse for five days before they could leave.

Honourable senators, we heard from Captain Charlie Dominaux, captain of the ferry *Arethusa*, which operates from late April to mid-September or October, between Fortune and Saint-Pierre and Miquelon. The captain has been the master of the ferry for 19 years and told us he cannot rely solely on Environment Canada weather forecasts in that area, where strong currents and winds create unpredictable, rapidly changing conditions, especially around Green Island. The *Arethusa* is 65 feet long, with a beam of 20 feet. It has a capacity of up to 96 passengers and carries up to 20,000 passengers in a season.

Honourable senators, Captain Dominaux told us of occasions when the weather forecast was 25 knots when he left Fortune. When he called Green Island, the wind was 35 knots and the sea was building. When he next called the keepers, they told him the wind was at 45 knots. He turned the ferry around. The keepers can give accurate, up-to-the-minute weather, including all-important wind direction, which is changeable.

Coast Guard officials are of the general view that technology has made staffed light stations obsolete in many cases. However, fishers told us that the automatic weather stations too often say they are not reporting or do not include rapidly-changing circumstances.

Honourable senators, while travelling in rural Newfoundland, we received a great deal of advice about the challenges of the new technology. Cellphones do not work 10 kilometres offshore, and they are land directed and do not receive signals 360 degrees. Not every mariner on the coast is equipped with GPS or radios. A representative of the Union of Canadian Transport Employees, a division of PSAC in St. John's told us that more than 80 per cent of the vessels in Newfoundland are less than 40 feet. With the decline of the fishery, fishers are going beyond traditional fishing grounds, farther from shore and putting themselves at greater risk.

Honourable senators, Newfoundland has 9,000 kilometres of coastline. It is a province with a history of rum-running and drug smuggling. Witnesses told us that we need federal eyes on the coast. They told the committee that the lightkeepers know what is happening on the coast. Community residents spoke of the significance of a federal presence on the coast. Often the lightkeeper is the only federal servant within hundreds of miles. This means a lot, symbolically.

Other witnesses spoke of the economic significance of laying off 70 people in rural Canada. They pointed out, "We will only be redundant if we are made redundant." Some blamed the "BlackBerry crowd" in Ottawa for not understanding.

We learned last year that there was a plan in place to de-staff Green Island due to attrition. This was only averted when the minister asked the Senate committee to examine the de-staffing question last summer.

Honourable senators, this is one of the key points of our report. We recommend that each light station be examined on a case-by-case basis to determine whether de-staffing is justified and appropriate.

While using attrition as a criterion — which was clearly the modus in the remaining staffed lighthouses in Newfoundland — might be convenient for human resources planners, it is not a rational criterion for determining whether a light station should be de-staffed.

• (1620)

Rational criteria should be developed, our report recommends, taking into account public safety and the need for weather reporting. These factors are clearly important at Green Island. The report recommends including other factors such as the importance of a lighthouse to the fishery, tourism and coastal watch for sovereignty. Our report does not say, do not de-staff. Rather, it says, examine each situation and light station and determine the value of staff on a case-by-case basis.

I cite Green Island as a clear example of a situation where the human factor is critical to public safety given the clear evidence that bad seas can result from the changeable wind and tide in that area. Since Green Island is also close to the international fishing boundaries established between France and Canada, there may well be sovereignty reasons for keeping a human presence at that light as well.

Twillingate, on the northeast coast, was another informative visit. There, we found a community with a long history of fishing and the marine economy in transition. While there is still a fishery, marine traffic has changed. There are more pleasure craft, recreational fishers and mariners who come from Grand Falls to put their boats in the water without a lot of experience.

We visited the village of Cow Head, a former fishing community now focusing on tourism. A heritage committee has persuaded Atlantic Canada Opportunities Agency to restore the historic lightkeeper's home.

Twillingate, a nearby community of only 2,500 people, has 25,000 visitors every summer. They all come to see the light, a magnificent stone structure 300 feet above the water and built in 1875.

There is still a lightkeeper there. However, incredibly, the lightkeeper operates in a new building which affords no view of the sea at all. Most of the lightkeeper's work is answering inquiries from tourists, which he is willing, but not trained, to do. This situation is where the heritage values of lighthouses are intersecting with the traditional importance of lightkeepers as eyes on the coast. That is why our committee is now engaged in the

second part of our study on the Heritage Lighthouse Protection Act. Twillingate is an example of how each situation and each light station must be examined for its circumstances, and decisions must be made about de-staffing on a case-specific basis.

We learned of light stations that have been taken over by the province and turned into valuable tourist attractions. In other situations, light stations formed integral parts of parks or heritage sites, and were administered capably by Parks Canada. In one case, in St. John's Harbour, we visited a lightkeepers' home that had been acquired privately for conversion into a bed and breakfast.

Each situation is different and deserves special consideration on its future and the future of the human beings now employed.

Honourable senators, I will say a word about lighthouse keepers. When I think of keepers, the term "salt of the earth" comes to mind as a good description. In Newfoundland and Labrador, we found that often keepers were intergenerational and proud of it. This job is not an easy one and it is not high paying. Gone are the days when keepers and their families sustained themselves on isolated stations. We visited light stations on places like Scaterie Island off Louisbourg, where the keepers' homes are rotting and decaying. There, we found a light station that has been automated like every one in Nova Scotia. It was poignant to see the remnants of the old days when families and keepers lived there year-round.

Fishers and coastal residents say the new automated lights, with their light-emitting-diode, LED, technology and solar power, do not have the same reach as those that were powered by diesel generators. They say that maintenance is not the same without a constant human presence, and I have no doubt that is true.

However, the committee report is not bucking this trend of new technology. We are saying that the particular circumstances of each light station should be examined using rational criteria before any further de-staffing takes place.

We were told by Canadian Coast Guard officials that, if further de-staffing takes place, every effort will be made to find employment within the Canadian Coast Guard for displaced keepers. In theory, this effort is encouraging. However, keepers who will be lucky to sell their houses for \$10,000 in a small coastal community cannot move easily to St. John's or a larger centre to take up a new post where houses cost much more.

We also heard compelling stories from keepers who have had the constant threat of de-staffing hanging over their heads for 40 years. One keeper described it as a cloud hanging over his head. Jobs are not abundant in Newfoundland and Labrador. Uncertainty has been the watchword. One brother was told that his job as a keeper would be eliminated, so he headed to Toronto to seek his fortune, leaving his younger brother to take over. Years later, his brother is still working as a keeper.

At St. Shott's, we met a keeper who had worked 20 years as a casual worker. Some Canadian Coast Guard officials said that rescuing people in trouble was not a good justification for retaining staffed lighthouses because that only worked if they were lucky enough to be rescued near the light. However, others



told us that a lot of people are likely to be rescued near the light because that is where they go to seek shelter in bad weather. It is a refuge, a haven and a comfort.

It is clear that the Canadian Coast Guard no longer wants to be responsible for lighthouses. Technology has evolved to the point where there is no longer a need for huge Fresnel lenses floating on baths of mercury or big diesel generators. They have been replaced by much smaller LED lights and solar panels. The foghorns are computerized. Towers have been designed, the proverbial lights on sticks, which do the same jobs as the venerable lighthouses, some of which were built out of massive iron cylinders shipped from Britain in the days when Newfoundland's lighthouses were operated by the British to protect their own sailing vessels. These vessels included the Titanic, whose first distress signal was received at Cape Race, Newfoundland on April 14, 1912.

It was decided long before our committee received its mandate from this chamber that lighthouses would be de-staffed, and it happened all across Canada. When the committee began our work, there are only 51 staffed stations left: 29 in Newfoundland and Labrador, 31 in British Columbia and one so-called sovereignty light at Machias Seal Island, New Brunswick.

What did we find? Much of the work done by lighthouse keepers goes beyond the mandate of the Canadian Coast Guard, and is focused primarily on navigational aids and their maintenance. Lighthouse keepers are used extensively for weather and safety reports by kayakers, pleasure boaters, ship navigators and seaplane pilots, especially on the West Coast. Lighthouse keepers have been the first to report vessels in distress and oil spills. They monitor the coastal environment, wildlife and water quality.

Many federal and provincial departments, those responsible for transport, tourism, weather and environment have an interest in the work done by lighthouse keepers. We hope that, in examining the issue of staffing as recommended in this report, our federal government can take a total government view of the many and diverse functions of light keepers. While it is challenging for government departments and agencies —

**Hon. Kelvin Kenneth Ogilvie (The Hon. the Acting Speaker):** Is the honourable senator requesting more time?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** I request five more minutes, please.

**The Hon. the Acting Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Patterson:** While it is challenging for government departments and agencies to see the bigger picture outside their jurisdictional silos, the potential value of lightkeepers in diverse roles beyond navigational aids must be considered and accounted for in determining their value to our government overall.

We also found a high degree of interest in the role of lightkeepers on both coasts. The views of lightkeepers themselves, coastal communities and other interested parties

must be sought as the Department of Fisheries and Oceans considers how to proceed next on this staffing issue.

Like the honourable Senator Rompkey, I found this study to be significant and moving. Fascination with lighthouses was experienced by my colleagues on the committee who were fortunate to visit these Canadian landmarks. I found it fascinating that, at every opportunity, senators who visited lighthouses where we could have access to the light were always eager to climb up sometimes rusty, unpainted and rickety stairs to reach the top and see the light. We entitled our report, *Seeing the Light*.

There are intangibles involved here. We have too few symbols that unite us and bring us together in this magnificent, vast country of ours. There are lighthouses in a majority of provinces including Ontario and Manitoba. However, Canada's largest coast by far, my own territory of Nunavut, has not a single lighthouse, nor does the Northwest Territories or Yukon. I have learned that these structures are compelling and, trite to say, iconic.

I trust the report will be valuable and informative for the Minister of Fisheries and Ocean and our cabinet colleagues in considering the future of staffed lighthouses.

• (1630)

#### MOTION IN AMENDMENT

**Hon. Dennis Glen Patterson:** Honourable senators, there is a motion before this house calling for the adoption of our report. I move that the motion be amended to read as follows:

That the report be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Fisheries and Oceans being identified as the minister responsible for responding to the report.

**The Hon. the Speaker:** Continuing debate?

Are honourable senators ready for the question on the amendment?

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by the Honourable Senator Patterson, seconded by the Honourable Senator Plett:

That the report be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Fisheries and Oceans being identified as the minister responsible for responding to the report.

Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion, as amended, agreed to and report adopted.)

[Translation]

## GOVERNMENT PROMISES

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the litany of broken promises by the Harper administration, beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

**Hon. Grant Mitchell:** Honourable senators, I cannot say I am pleased to speak to the debate on this inquiry because we should not have to discuss the broken promises of the Government of Canada, but such is the situation we find ourselves in.

I will start by thanking Senator Cowan for presenting this inquiry. It is very important, especially with an upcoming election at the heart of which is an equally important issue with regard to this government, that of integrity, honesty and the government's ability to frequently say one thing and do another.

[English]

I cannot say that I am happy to be discussing this because one can only be disappointed when one sees how frequently this government made promises that they then went on to break, almost as though it was their default position.

[Translation]

Honourable senators, if ever we needed to change the rules in this chamber, the current context could provide a good incentive for changing time allocation rules. Fifteen or 20 minutes is not enough time to properly address all the times the government has broken its promises.

[English]

I want to discuss three broken promises. The first one is that the government actually promised that they would work with the provinces to establish a coordinated plan to deal with climate change. They have never said that they did not do that, but there are two profoundly poignant indications that they did not.

First, the Prime Minister has never met with the premiers of this country to discuss action on climate change. In fact, the Prime Minister has met with the premiers of this country only once, for about two and a half hours, about two or three years ago, on a Friday night in the middle of a hot summer. Who knows what they discussed over dinner at 24 Sussex Drive, but we do know they did not discuss climate change.

How do we know for sure that the Prime Minister and his government could not ever have coordinated a plan with the provinces? The answer is because they do not have a plan. We know that they have had five and a half ministers of the environment. They had five, one of whom was Minister Baird,

and they appointed him as a part-time minister yet again, so I say five and a half. That is not bad in less than five and a half years. Since they took over, they have had less than one minister of the environment per year.

As an indicator of how they have neglected and diminished this important portfolio, it is interesting to note that the Prime Minister appointed a part-time minister of the environment for about two or three months. Can honourable senators imagine the Prime Minister of Canada appointing a part-time minister of finance for two or three months, a finance minister who would have had other high-pressure portfolios to deal with as well? Mr. Baird was house leader while he was the part-time minister of the environment. Clearly, the government did not have anyone in place to establish any kind of long-term, consistent plan.

Second, we know that on at least five separate occasions the government has announced new approaches to climate change. Which of those five approaches would they have discussed and coordinated with the provinces?

The first one was that they cancelled all of the climate change programs implemented by the former Liberal government. Those programs would have, even by the most rigorous of tests, established about two thirds of what Kyoto would have established and they would have stimulated the economy.

Honourable senators, the pressure then built. The government looked Neanderthal in not having a plan of any kind for climate change, so they changed again and adopted a "made-in-Canada" stance. Of course, once the U.S. began to become serious about climate change, the government said, "We will do whatever the U.S. does." When the U.S. said that they would apply a cap-and-trade system, the government said that we would do cap and trade as well.

Then, when the U.S. changed its mind because of the pressure from the extreme right of the Tea Party, the government turned around and said that it would not regulate like the U.S. would now have to regulate. Then they changed their minds yet again and said that it would regulate much the same as the U.S. would have to regulate.

With five or six plans in five years, with five and a half ministers of the environment, and with the Prime Minister meeting the premiers of this country once for two and a half hours, how could the government ever hope to fulfill a promise to coordinate with the provinces a plan of attack against climate change? Of course, the government could not.

I would wager that this government never for a moment really and truly believed that they would make any effort whatsoever to work with the provinces to establish a coordinated national plan of action to deal with climate change. If they had promised that and only said that, in truth, it would have been one promise they would have fulfilled. They could have said they had no intention whatsoever of ever dealing with climate change, and they would have fulfilled that promise because, as certain as we are all here in this chamber, they have not done anything of consequence for climate change.



• (1640)

The second broken promise is one that the government has made, perhaps not explicitly but certainly implicitly, that they were going to make Canadians feel safer with all its talk of being tough on crime and defending the borders, the tough talk about war and about being tough in that context, and the talk about crime and about being tough on those criminals. The irony is that Canadians are safer. They are much safer than they were in the 1980s and 1990s. With respect to crime, serious crime is reduced significantly. If it is, then one could argue that Canadians are, in fact, facing less crime — and they are — and objectively, therefore should feel safer.

The one reason Canadians are not feeling safer is that the government keeps talking about how frightened they should be about crime. That is what they are becoming afraid of. The government is continuously trying to justify a policy for which this is no justification. If one wants to make people feel safer about crime, then one should stop talking about it, except in the context of establishing that it is actually going down. If the government has not made people feel frightened enough with a lack in safety on the crime portfolio, it then must promote the “defend your borders” portfolio. We need to be frightened enough to spend billions of dollars on jets that are not priced properly, without a guaranteed price and that certainly are not even completed in their construction, to defend our borders.

The vivid image that the government projected across the country was of our jets having to meet these Russia bombers at the border. These Russian bombers were built in 1952. They have propellers; they have never crossed the border. We are carrying out exercises with the Russian military and the jets that we have now probably will not fly slow enough to stay beside these kinds of bombers without stalling. If it is not enough that we should be afraid of crime when it is going down, the government has tried to establish that we should be afraid of 20th century jets — that is, bombers that are 60 years old and are driven by propellers.

There is a wonderful movie called *The American President*. If honourable senators have not seen it, then they must. Near the end of it, Michael Douglas gives this remarkable, wonderful, liberal speech. Every time that film is on, I bring my sons over and say, “Get over here and look at this. This is a remarkable, wonderful, liberal speech, boys.” They, of course, are motivated and inspired by that. At one point in that speech, he says, “You know what the right wing does? They find something to make you afraid of and then they find someone to blame for making you afraid of it.”

In this case, the government found a bunch of things to make Canadians afraid of. The one group that they do not blame for making them afraid is themselves. Crime is going down, honourable senators. We do not need to be afraid of crime in the way that they portray it. We do not need to be afraid of bombers from Russia that are 60 years old in the way that this government is construing it with us being afraid of them.

What we should be afraid of is this man who was hired by the PMO and who spent about four years there. This fellow, Mr. Carson, was convicted of fraud in 1981 disbarred. He was hired and put in the Prime Minister's Office, where the highest level of security should be maintained. I remember Senator Finley

talking about “hug-a-thug” thing or whatever. I wonder if he was contemplating the fact that the Prime Minister was hugging a thug in the PMO. Is that not interesting?

If Canadians need to be afraid of crime, it might be because the Prime Minister brought a convicted felon, someone who was convicted of fraud, into a place where there are sensitive secrets, sensitive documents and sensitive ideas perhaps at the highest level. He brought in a man who was convicted of fraud and had spent time in jail. It makes no sense. If Canadians should be afraid of crime, maybe they should be afraid of that. Why is the Prime Minister not talking about that? If ever there was evidence of poor judgment, if he applies it in that way and in that context, one must wonder how he is applying it elsewhere. He is not applying it particularly effectively when it comes to crime, to jets, or to bombers with propellers from 1952.

The third broken promise that I want to mention is the broken promise of bringing integrity to government. If ever there was hypocrisy in government, it would be on that particular issue.

I was driving with my wife last Saturday, about a week ago. We talk a lot about politics. Now that our kids are gone, it is one of those deep values that hold our marriage together. We love politics. She said, “Grant, I was thinking about that fact that in the last seven days I can list how many scandals there have been.” Honourable senators over there can count them, too.

First, there was Minister Oda, who lied to Parliament. That is one.

Second, there was the in-and-out scandal that came up over and over, involving four senior Conservatives, who were very close to the Prime Minister and the Prime Minister's Office, who have been charged with election fraud.

Third, there was the Ouimet case, which was raised by our colleague Senator Cowan today, where they paid out someone who resigned. Why would one pay someone who chose to resign? Of course there was a reason: They paid her so that she would not talk about the 228 whistle-blowing cases that they did not want her to talk about and that she never investigated. That is the third one.

We then have “the Harper government.” It is no longer “the Canadian government,” but it is “the Harper government,” making one wonder whether it is actually a government that he is creating or a cult. Certainly, it raises questions about how he views the integrity and the sanctity of the Canadian government, putting himself above it and above the Canadian people.

We then have the two Kenney cases. He used government letterhead to raise money. “Just a mistake; sorry. If I had only been here, my staff never would have done that, because I sign all these.” He also commoditized the ethnic and multicultural communities in this country.

We then have the case of Mr. Carson, who conjures up the idea of hugging a thug in the PMO.

Speaking of thugs, we then have the members of the PMO, who threw the press out of a public meeting that was being conducted by a multicultural group, whose origins were in India, at the

behest of — I do not know, the Prime Minister, perhaps? He had finished speaking, but those Canadians were not going to be able to hear another leader speak. Even though it was not their meeting, the people from the PMO threw out a bona fide Canadian political leader who had every right to be seen by that media. It is also a question of why the media would have gone.

These are just three of the many broken promises. I have often said that when it comes to criticism, this government is a target-rich environment. If ever that needed to be proved, one could just look at the number of promises they have broken. I have just spoken to three; if I had more time, I could speak of more than these.

(On motion of Senator Comeau, debate adjourned.)

### **FREEZING ASSETS OF CORRUPT FOREIGN OFFICIALS BILL**

#### **NINTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE PRESENTED**

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. A. Raynell Andreychuk**, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Monday, March 21, 2011

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

#### **NINTH REPORT**

Your committee, to which was referred Bill C-61, An Act to provide for the taking of restrictive measures in respect of the property of officials and former officials of foreign states and of their family members, has, in obedience to the order of reference of Thursday, March 10, 2011, examined the said bill and now reports the same without amendment.

Respectfully submitted,

**RAYNELL ANDREYCHUK**  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Andreychuk, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

• (1650)

### **PARLIAMENTARY REFORM**

#### **INQUIRY—DEBATE CONTINUED**

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the issues relating to realistic and effective parliamentary reform.

**Hon. Jim Munson:** Honourable senators, Senator Hubley is preparing her notes and would like to participate in this debate. I would like to restart the clock in her name.

(On motion of Senator Munson, for Senator Hubley, debate adjourned.)

[Translation]

### **WOMEN'S CHOICES**

#### **INQUIRY—DEBATE CONCLUDED**

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poy, calling the attention of the Senate to the choices women have in all aspects of their lives.

**Hon. Lucie Pépin:** Honourable senators, I will be speaking to the inquiry by Senator Poy concerning the choices of women throughout the world. I thank her for reminding us that, in some societies, inequality between men and women is still the norm.

I concur with Senator Poy on a number of the aspects of her inquiry. However, I will concentrate on maternal health, an aspect I am more familiar with.

The concern of Canadian women is to maintain the gains we have made. In certain parts of the world, the very principle of equality has not been established or is ignored. Women often have no control over their bodies and their social choices are very limited.

This was the situation of Canadian women until recently. Contraception was only legalized in 1969, and it was not until January 1988 that the Supreme Court decided that Canadian women had the freedom to choose abortion and control their own fertility. This freedom of choice, which women won with respect to their bodies, brought about changes in their lives. It was the impetus for becoming more active in society. It changed our socio-economic role.

Today, millions of women aspire to this same freedom. Unfortunately, they will not obtain it if they do not control their own fertility and if their lives are reduced to a series of pregnancies they cannot afford.

Senator Poy referred to data from the Guttmacher Institute, indicating that maternal mortality would be reduced by 70 per cent if the global need for modern contraception were met.

According to the Society of Obstetricians and Gynaecologists of Canada (SOGC), almost 40 per cent of all pregnancies in the world are not planned. Approximately 200 million women want to delay or prevent pregnancy but are not using effective contraception.



Each year, nearly 50 million women resort to abortion and the procedure is often carried out in unsanitary conditions. Non-medical abortions are responsible for 13 per cent of maternal deaths. Generally speaking, many of these deaths are a result of haemorrhaging, infections or unsanitary abortions. Thousands of women are dying each year from preventable and treatable illnesses. It is shocking to learn that, in sub-Saharan Africa, one out of every 16 women still dies during childbirth. In North America, the ratio is one out of every 3,700 women. Family planning through contraception can eliminate two-thirds of all unwanted pregnancies and three-quarters of all unsafe abortions.

If we really want to help women in other countries, the way we help women here, we must give them access to contraceptive devices and information on reproduction. Responsible sexuality requires sensible advice. HIV and other sexually transmitted diseases make such education even more necessary.

It is impossible to consider overcoming development challenges without ensuring the survival and well-being of mothers. We must put more emphasis on how important healthy mothers are to a society. No society can hope to progress if its mothers are not healthy, for they are a great asset.

When a mother is sick or dies, her contribution to the household and society is lost. The education of her children is compromised. We know that millions of children die each year because they have lost their mothers. Any effective development strategy must involve a commitment not only to meeting the contraceptive needs of women but also to providing universal access to reliable obstetrical care for women. Unfortunately, it is still common for women to die during childbirth.

The SOGC has also stated that 35 per cent of pregnant women in developing countries do not have any contact with or access to health care professionals before giving birth and only 57 per cent give birth in the presence of a qualified caregiver.

In Ethiopia, for example, only 5.7 per cent of deliveries are attended by a qualified caregiver. Having a qualified caregiver attend the birth is the most effective method of preventing maternal death.

The first stage in life is birth. The first universal human right should be the right to give birth and to be born without risk. This is a simple question of common sense.

Experience in several countries like ours has proven that it is possible to make risk-free birthing a universal right. Unequal access to health care is also linked to the unequal status given to women in some countries. The persistence of local customs and a lack of political will justify a complete lack of mobility in the indicators of maternal, neonatal and infant and child health. Very often, however, the reason is a lack of resources.

Most developing countries simply do not have the resources to invest in their health systems. Those states could well develop policies that guarantee universal access to essential health services. However, if resources are inadequate, it is difficult for them to implement the policies.

It is the job of the international community to support the countries financially that attempt to offer every mother and every child universal access to care. We must also motivate countries that lag behind to recognize the importance of the health of mothers and children in their social and economic development. If we want to improve maternal health, we must ensure that women's autonomy and education is also strengthened.

The Prime Minister of Canada has recently taken some steps in the right direction, namely with the Muskoka Initiative on Maternal, Newborn and Child Health. I want to congratulate the Government of Canada and encourage it to keep listening to specialists who know that reducing maternal mortality means acting on the many profound causes of child and maternal mortality.

Any initiative to keep mothers alive depends on timely access for women to high-quality obstetrical care, access to qualified care during delivery and access to contraception and family planning resources.

I also invite the Prime Minister to give more support to the training of health professionals in developing countries to better meet the existing needs of pregnant women and newborn babies.

Fighting for your rights can be both frustrating and tiring, but it can also be very joyous. In Canada, we have been lucky enough to experience a few happy events that made us equals. I hope that all women will someday have an opportunity to be seen as people and not as inferior beings.

Today, we have enough knowledge to protect the lives of millions of women and children. To succeed, we must ensure that the fate of these women and children is no longer ignored or met with indifference.

• (1700)

We can take up this cause and work together so that every mother, every child, no matter where they live or their social situation, will have the chance to live.

I thank Senator Poy for giving us the opportunity to express our solidarity with the millions of women who still do not have the opportunity to achieve full equality of the sexes. It is a human right that calls us to show greater solidarity.

[English]

**The Hon. the Speaker:** If no other honourable senator wishes to debate, this matter is considered debated.

[Translation]

## CONTRABAND TOBACCO

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Segal calling the attention of the Senate to the seriousness of the problem posed by contraband tobacco in Canada, its connection with organized crime, international

crime and terrorist financing, including the grave ramifications of the illegal sale of these products to young people, the detrimental effects on legitimate small business, the threat on the livelihoods of hardworking convenience store owners across Canada, and the ability of law enforcement agencies to combat those who are responsible for this illegal trade throughout Canada, and the advisability of a full-blown Senate committee inquiry into these matters.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I see that the debate on this inquiry is at day 15. Senator Banks is absent at the moment and he has not expressed his intention not to speak to this inquiry. I therefore suggest that the debate be adjourned in his name. If, in fact, Senator Banks did not intend to speak, we can then proceed accordingly.

For the time being, I move the adjournment of the debate in the name of Senator Banks.

(On motion of Senator Comeau, for Senator Banks, debate adjourned.)

[English]

## **SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

### **COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ACCESSIBILITY OF POST-SECONDARY EDUCATION**

**Hon. Art Eggleton**, pursuant to notice of March 9, 2011, moved:

That notwithstanding the orders of the Senate adopted on March 18, 2010 and December 2, 2010, the date for the presentation of the final report by the Standing Senate Committee on Social Affairs, Science and Technology on access to post-secondary education in Canada be extended from March 31, 2011 to June 30, 2011 and that the date until which the committee retains powers to allow it to publicize its findings be extended from September 30, 2011 to December 31, 2011.

(Motion agreed to.)

(The Senate adjourned until tomorrow at 2 p.m.)



## Appendix A

**Federal commitments under the Gateways and Border Crossings Fund (as of February 24, 2011)**

In total, over \$1 billion has been committed to date to projects that have been either announced or approved under the Gateways and Border Crossings Fund. With respect to the remaining funds, the government is in ongoing discussions with provinces and other stakeholders to invest these funds in a variety of Gateway projects. For example, Canada committed to pay for 50 percent of eligible capital costs for the Windsor-Essex Parkway, which is part of the overall Detroit River International Crossing project.

**Infrastructure Projects**

| Title   | Project Description  | Location     | Federal Share (\$ million) |
|---|--|--------------|----------------------------|
| Calgary 52nd Street: Widening   | Widening of 52nd Street in SE Calgary from 2 to 4 and 2 to 6 lanes. Includes required utilities and stormwater management.   | Alberta      | 34.50                      |
| Trans-Canada Highway in Banff National Park: Twinning                       | Twinning 14km of the Trans-Canada Highway in Banff National Park.  | Alberta      | 100.00                     |
| Global Transportation Hub   | Construction of the required transportation infrastructure to support the Global Transportation Hub. The works include:<br>New Pinkie Road Corridor, upgrading and widening of Dewdney Ave, 4-laning of Pinkie Rd to Dewdney and new 2-lane Pinkie Rd to Hwy 11.   | Saskatchewan | 27.00                      |
| Saskatoon Circle Drive completion   | Construction of a new urban highway, crossing South Saskatchewan River to complete the Circle Drive ring road.   | Saskatchewan | 75.84                      |
| Hudson Bay Railway Improvements   | Rehabilitation of the "Bay Line", which extends from The Pas to Churchill, Manitoba. Rehabilitation of the 877-kilometre rail line includes railway tie replacement, replacing of rail switches, bridge and culvert repair, and road crossing works.   | Manitoba     | 20.00                      |
| Highway 75 improvements   | Rehabilitation of Highway 75 between Winnipeg and the Canada/U.S. border crossing at Emerson. Work includes: rehabilitation of aged concrete pavement, rehabilitation of the bridge at Plum River, and upgrades consistent with Expressway standards.  | Manitoba     | 42.50                      |
| Trans-Canada and Yellowhead Highways: Interchange and rail grade separators | Grade-separation of the existing at-grade signalized Trans-Canada Highway (PTH 1) and Yellowhead Highway (PTH 16) Interchange, and of the Yellowhead Highway CNR Mainline Overpass.  | Manitoba     | 21.00                      |
| Access Road to New Windsor-Detroit Crossing                                 | The Windsor-Essex Parkway is a key component of the Detroit River International Crossing (DRIC) project that will provide a direct route connection from Highway 401 in Windsor, Ontario to a new international crossing to be constructed over the Detroit River to connect to Interstate 75 in Detroit, Michigan.          | Ontario      | 400.00                     |
| Queenston-Lewiston Bridge Canadian Plaza Phase II Project                   | Construction of additional passenger and bus primary inspection lanes, commercial vehicle warehouse inspection facilities, passenger vehicle and bus inspection facilities, an animal inspection facility, and a new central building for CBSA and CHA at the Canadian plaza of the Queenston-Lewiston international bridge. | Ontario      | 62.00                      |
| Blue Water Bridge: Plaza Improvements                                       | Plaza improvements include: Plaza widening to Highway 402, Dynamic Message Signs.  | Ontario      | 10.00                      |

|   |  |                      |                 |
|---|--|----------------------|-----------------|
| Peace Bridge: Plaza Improvements  | Construction of a fifth commercial vehicle primary inspection lane and booth, and related works.   | Ontario              | 1.00            |
| Sault Ste Marie International Bridge: Plaza improvements                        | Sault Ste Marie International Bridge Plaza Redevelopment: new commercial off-load and passenger processing facilities; third lane inspection area for bus inspections; and infrastructure to support NEXUS and FAST.                         | Ontario              | 44.112          |
| Lacolle Border Crossing Facility: Customs Plaza improvements                    | Improvements to commercial vehicle and bus inspection facilities.  | Quebec               | 10.00           |
| Route 1 Twinning  | The design and build of the twinning of Route 1 between Murray Road and Lepreau (approximately 55 km).   | New Brunswick        | 87.50           |
| Port of Belledune improvements (total federal contribution \$26.4)              | Expansion and improvement of the Port of Belledune.  | New Brunswick        | 6.00            |
| Saint John Harbour Bridge Rehabilitation Project                                | Rehabilitation of the Saint John Harbour Bridge: includes bridge deck repair and infrastructure improvements.  | New Brunswick        | 17.50           |
| Fredericton International Airport   | Runway and lighting upgrade  | New Brunswick        | 5.2             |
| Port of Saint John  | Cruise Gateway project   | New Brunswick        | 4.50            |
| Greater Moncton International Airport   | Runway extension   | New Brunswick        | 4.00            |
| Port of Belledune   | Modular Fabrication and Multimodal Transshipment Facility  | New Brunswick        | 1.50            |
| Port of Halifax: South End Container Terminal Extension                         | Expansion to accommodate the next generation of container ships.   | Nova Scotia          | 17.50           |
| Port of Halifax: Richmond Terminals Multipurpose Gateway Extension              | Upgrade and expand value-added cargo handling services.  | Nova Scotia          | 36.50           |
| Burnside Connector - Phase 1: connecting Hwys 102 and 107                       | Highway project connecting Highway 102 and Highway 107 and a major industrial park and transshipment facility.   | Nova Scotia          | 17.50           |
| Truro High Speed Interchange: junction of Hwys 102 and 104                      | Upgrade the highway interchange ramps at a key trade and travel junction.  | Nova Scotia          | 4.50            |
| Rte 344: Upgrades of the access road to the proposed Melford Container Terminal | To support development and operation of the proposed Melford Container Terminal.   | Nova Scotia          | 7.50            |
| Halifax Stanfield International Airport   | Runway extension   | Nova Scotia          | 9.00            |
| Charlottetown Airport   | Airport Terminal Expansion   | Prince Edward Island | 1.20            |
| Confederation Bridge  | Intelligent Transportation Systems (installation of sensors to monitor bridge condition and provide warning system, video incident detection system, dynamic lighting and signage, and toll plaza transponder/electronic lane improvements). | Prince Edward Island | 1.34            |
| PEI Department of Transportation and Infrastructure Renewal                     | Route 1 realignment near Churchill (2.2 km realignment to eliminate sharp curves on hilly terrain). (Trans-Canada Highway between Charlottetown and Confederation Bridge)  | Prince Edward Island | 3.50            |
| PEI Department of Transportation and Infrastructure Renewal                     | Route 1 realignment near Tryon (3 km realignment and installation of two 4-way intersections for improved safety, efficiency and access control). (Trans-Canada Highway between Charlottetown and Confederation Bridge)                      | Prince Edward Island | 4.50            |
| <b>Total:</b>   |  |                      | <b>1,077.19</b> |



**Non-infrastructure projects**

| Title  | Project Description   | Location         | Federal Share<br>(\$ million)<br>(GBCF) |
|--|---|------------------|---|
| Study to develop concepts for the safe loading of grain during inclement weather | Concept study to determine and evaluate possible options for the safe loading of grain. The study is to provide a wide range of options from short to longer-term options. Solutions are to be practicable and easily implemented.  | British Columbia | 0.04                                    |
| Pembina-Emerson Port of Entry Transportation Study                               | Involves a feasibility study, function design to identify transportation system improvements and opportunities to integrate intelligent transportation system solutions, and mid- and long-term planning approaches to improve the efficiency of the Pembina-Emerson Port-of-Entry. | Manitoba         | 0.250                                   |
| Study on Movement of Goods in Greater Toronto Area                               | Study of the movement of goods in and around the GTA. The aim of the study is to obtain informed, current perspectives from the providers and users of the transportation system on existing and future issues.   | Ontario          | 0.03                                    |
| Blueprint for Canada-US Engagement with the Next US Administration               | The objective of the project is to develop a blueprint to provide Canadian political leaders with fresh insight and momentum to kick-start a positive, forward-looking agenda with the new U.S. administration early in 2009.   | Ontario          | 0.03                                    |
| Logistics Hub Requirements Study   | Evaluates the economic viability of a logistics hub in the Canadian market to foster greater activity and investment in "value added" sectors such as trade logistics and related financial and administrative services.  | Quebec           | 0.20                                    |
| Halifax Rail Cut Study   | In-depth study of the technical feasibility of adapting the Halifax rail corridor to handle truck traffic to and from Halterm terminals at the Port of Halifax.   | Nova Scotia      | 0.14                                    |
| Atlantic Gateway Marketing and Business Development                              | To market Atlantic Gateway ports and other facilities.  | Nova Scotia      | 2.50                                    |
| <b>Total:</b>  |   |                  | <b>3.18</b>                             |

## CONTENTS

Monday, March 21, 2011

PAGE

PAGE

### Budget Speech

|  |      |
|--|------|
| Accommodation for Senators in Commons Gallery.<br>The Hon. the Speaker. .... | 2028 |
|--|------|

## SENATORS' STATEMENTS

### Year of the Entrepreneur

|                                  |      |
|----------------------------------|------|
| Hon. Catherine S. Callbeck. .... | 2028 |
|----------------------------------|------|

### Visitors in the Gallery

|                            |      |
|----------------------------|------|
| The Hon. the Speaker. .... | 2028 |
|----------------------------|------|

### Official Languages in Atlantic Canada

|                          |      |
|--------------------------|------|
| Hon. Percy Mockler. .... | 2028 |
|--------------------------|------|

### Atomic Energy of Canada Limited

|                                |      |
|--------------------------------|------|
| Hon. Pierrette Ringuette. .... | 2029 |
|--------------------------------|------|

### International Day for the Elimination of Racial Discrimination

|                             |      |
|-----------------------------|------|
| Hon. Don Meredith. ....     | 2030 |
| Hon. Claudette Tardif. .... | 2030 |

## ROUTINE PROCEEDINGS

### Study on Issues Related to Communications Mandate

|  |      |
|--|------|
| Fourth Report of Transport and Communications Committee—<br>Government Response Tabled.<br>Hon. Gerald J. Comeau. .... | 2031 |
|--|------|

### Foreign Affairs

|   |      |
|---|------|
| Exports of Military Goods from Canada—2007-09 Report Tabled.<br>Hon. Gerald J. Comeau. .... | 2031 |
|---|------|

### Canadian Forces Members and Veterans Re-establishment and Compensation Act

|   |      |
|---|------|
| <b>Pension Act (Bill C-55)</b><br>Bill to Amend—First Reading.<br>Hon. Gerald J. Comeau. .... | 2031 |
|---|------|

### Criminal Code (Bill C-54)

|   |      |
|---|------|
| Bill to Amend—First Reading.<br>Hon. Gerald J. Comeau. .... | 2031 |
|---|------|

### Foreign Affairs and International Trade

|   |      |
|---|------|
| Notice of Motion to Authorize Committee to Extend Date<br>of Final Report on Study of Issues Related to Foreign<br>Affairs Generally.<br>Hon. A. Raynell Andreychuk. .... | 2032 |
|---|------|

### Aboriginal Children in Care in Manitoba

|   |      |
|---|------|
| Notice of Inquiry.<br>Hon. Sharon Carstairs. .... | 2032 |
|---|------|

### Queen's University

|   |      |
|---|------|
| Private Bill to Amend Constitution of Corporation—<br>Presentation of Petition.<br>Hon. Lowell Murray. .... | 2032 |
|---|------|

## QUESTION PERIOD

### Office of the Public Sector Integrity Commissioner

|   |      |
|---|------|
| Status of Former Commissioner.<br>Hon. James S. Cowan. .... | 2032 |
| Hon. Marjory LeBreton. ....                                 | 2032 |
| Auditor General's Report.<br>Hon. Sharon Carstairs. ....    | 2034 |
| Hon. Marjory LeBreton. ....                                 | 2034 |

### Treasury Board

|   |      |
|---|------|
| Access to Information User Fees.<br>Hon. Claudette Tardif. .... | 2034 |
| Hon. Marjory LeBreton. ....                                     | 2034 |

### Delayed Answers to Oral Questions

|                             |      |
|-----------------------------|------|
| Hon. Gerald J. Comeau. .... | 2034 |
|-----------------------------|------|

### Atlantic Canada Opportunities Agency

|   |      |
|---|------|
| Atlantic Gateway Strategy.<br>Question by Senator Mercer.<br>Hon. Gerald J. Comeau (Delayed Answer). .... | 2034 |
|---|------|

### Public Safety

|   |      |
|---|------|
| Aboriginal Women in Prisons.<br>Question by Senator Dyck.<br>Hon. Gerald J. Comeau (Delayed Answer). .... | 2034 |
|---|------|

### Atlantic Canada Opportunities Agency

|   |      |
|---|------|
| Atlantic Gateway Strategy.<br>Question by Senator Mercer.<br>Hon. Gerald J. Comeau (Delayed Answer). .... | 2035 |
|---|------|

### National Defence

|  |      |
|--|------|
| Operational Stress Injuries.<br>Question by Senator Day.<br>Hon. Gerald J. Comeau (Delayed Answer). .... | 2036 |
|--|------|

## ORDERS OF THE DAY

### Supreme Court Act (Bill C-232)

|  |      |
|--|------|
| Bill to Amend—Second Reading—Speaker's Ruling.<br>The Hon. the Speaker. .... | 2036 |
|--|------|

### Point of Order

|                             |      |
|-----------------------------|------|
| Hon. James S. Cowan. ....   | 2039 |
| Hon. Gerald J. Comeau. .... | 2040 |

### Point of Order

|                                |      |
|--------------------------------|------|
| Hon. Gerald J. Comeau. ....    | 2040 |
| Hon. Pierrette Ringuette. .... | 2040 |

### Criminal Code (Bill C-30)

|   |      |
|---|------|
| Bill to Amend—Third Reading.<br>Hon. Gerald J. Comeau. .... | 2040 |
|---|------|

### Immigration and Refugee Protection Act (Bill C-35)

|   |      |
|---|------|
| Bill to Amend—Third Reading.<br>Hon. Nicole Eaton. .... | 2041 |
|---|------|

### Aeronautics Act (Bill C-42)

|   |      |
|---|------|
| Bill to Amend—Third Reading.<br>Hon. Michael L. MacDonald. .... | 2041 |
|---|------|

### Criminal Code (Bill S-204)

|   |      |
|---|------|
| Bill to Amend—Second Reading—Debate Continued.<br>Hon. Nancy Ruth. .... | 2041 |
|---|------|

### Controlled Drugs and Substances Act (Bill C-475)

|  |      |
|--|------|
| Bill to Amend—Second Reading.<br>Hon. Sharon Carstairs. .... | 2042 |
| Referred to Committee. ....                                  | 2043 |

### Italian-Canadian Recognition and Restitution Bill (Bill C-302)

|                             |      |
|-----------------------------|------|
| Second Reading. ....        | 2043 |
| Referred to Committee. .... | 2044 |

### Patent Act (Bill C-393)

|   |      |
|---|------|
| Bill to Amend—Second Reading—Debate Adjourned.<br>Hon. Sharon Carstairs. .... | 2044 |
| Hon. Stephen Greene. ....   | 2046 |
| Hon. Lowell Murray. ....  | 2046 |



|   | PAGE |
|---|------|
| <b>Study on Issues Relating to Federal Government's Current and Evolving Policy Framework for Managing Fisheries and Oceans</b> |      |
| Sixth Report of Fisheries and Oceans Committee Adopted.   |      |
| Hon. Dennis Glen Patterson . . . . .  | 2048 |
| Hon. Gerald J. Comeau . . . . .   | 2050 |
| Motion in Amendment.  |      |
| Hon. Dennis Glen Patterson . . . . .  | 2050 |
| <b>Government Promises</b>  |      |
| Inquiry—Debate Continued.   |      |
| Hon. Grant Mitchell. . . . .  | 2051 |
| <b>Freezing Assets of Corrupt Foreign Officials Bill (Bill C-61)</b>  |      |
| Ninth Report of Foreign Affairs and International Trade Committee Presented.  |      |
| Hon. A. Raynell Andreychuk . . . . .  | 2053 |

|  | PAGE |
|--|------|
| <b>Parliamentary Reform</b>  |      |
| Inquiry—Debate Continued.  |      |
| Hon. Jim Munson . . . . .  | 2053 |
| <b>Women's Choices</b>   |      |
| Inquiry—Debate Concluded.  |      |
| Hon. Lucie Pépin . . . . .   | 2053 |
| <b>Contraband Tobacco</b>  |      |
| Inquiry—Debate Continued.  |      |
| Hon. Gerald J. Comeau . . . . .  | 2055 |
| <b>Social Affairs, Science and Technology</b>  |      |
| Committee Authorized to Extend Date of Final Report on Study of Accessibility of Post-Secondary Education. |      |
| Hon. Art Eggleton . . . . .  | 2055 |
| <b>Appendix A</b> . . . . .  | 2056 |













*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5





CANADA



# Debates of the Senate

---

3rd SESSION

• 40th PARLIAMENT

• VOLUME 147

• NUMBER 96

---

OFFICIAL REPORT  
(HANSARD)

**Tuesday, March 22, 2011**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Tuesday, March 22, 2011

The Senate met at 2 p.m., the Speaker in the chair.

[Translation]

Prayers.

[Translation]

### BUDGET SPEECH

#### ACCOMMODATION FOR SENATORS IN COMMONS GALLERY

**The Hon. the Speaker:** I remind honourable senators that the budget speech will be delivered in the other place at 4 p.m. today. As in the past, senators must take their seats in the section of the gallery reserved for the Senate in the House of Commons. Seating will be first come, first served. As space is limited, it is the only way we can ensure that those senators who wish to attend can do so. Unfortunately, there are no seats for senators' guests.

[English]

Honourable senators, in conclusion, let us always consider the facts and not be distracted by unreliable information.

---

## SENATORS' STATEMENTS

### OFFICIAL LANGUAGES IN ATLANTIC CANADA

**Hon. Percy Mockler:** Honourable senators, once again, I must state the facts. Service Canada provides an essential service across the country, and as I have already said, Service Canada plays an important role in Atlantic Canada.

Once again, I would like to quote the Minister of Human Resources and Skills Development, Diane Finley:

[English]

In fact, Service Canada is increasing the bilingual capacity of regional senior management in the Atlantic region. We have 25 executives in the Atlantic region, and 60 per cent of them hold bilingual positions. We are currently working toward increasing that to 80 per cent. All 10 executives in New Brunswick remain fully bilingual.

[Translation]

Honourable senators, I agree with Minister Finley. Our federal government will continue to ensure that Service Canada is and will remain determined to ensure that all Canadians and Acadians have access to high-quality services in the official language of their choice.

[English]

Under the leadership of Prime Minister Stephen Harper, our government strongly supports the linguistic duality of our country, and has invested more in support for our official languages than any previous government.

### WOMEN IN AFRICA

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak about the powerful, courageous and strong women who reside in Africa's Rift Valley.

On March 8, which marked the one hundredth anniversary of International Women's Day, I had the opportunity to visit Kajiado, a small Maasai village located just outside of Nairobi, Kenya. The Maasai are a pastoral community.

As I am sure honourable senators are aware, International Women's Day is a time when we all come together and celebrate the economic, political and social achievements of women around the world. Typically on this day, we take time to honour women who have made their mark in the political, professional or philanthropic arenas.

Although the achievements of Maasai women like the ones I met in Kajiado often go unrecognized, these women truly exemplify what International Women's Day is all about.

After hearing several Maasai women offer testimony, I quickly learned that the Maasai women of Kajiado are not only the glue that holds their communities and families together but that they are also patrons of peace and beacons of hope. Historically, these women have had little exposure to formal education, have battled gender inequality and have fallen victim to practices such as female genital mutilation and forced marriage.

However, grassroots organizations like Amani Communities Africa have worked diligently to empower these women and generate awareness and understanding of women's human and legal rights, while at the same time providing them with the tools they need to respond effectively to abuses and violations.



My good friend Joy Mbaabu, the Executive Director of Amani Communities Africa, introduced us to Agnes, the leader of the Maasai women in Kajiado. She spoke to us about the challenges Maasai women continue to face and provided insight into what a day in her life is like. She also spoke about the responsibilities she had, both inside and outside her home.

After hearing from Agnes, I learned that it is the women in these communities who are responsible for taking care of their families, tending to the cattle, harvesting the crops and for generating income.

The most important message that Agnes and many other Maasai women conveyed that afternoon was the importance of educating their daughters. They acknowledged that many of their daughters were now given the opportunity to attend primary school. However, they stressed the importance of higher education. The women I had the pleasure of interacting with made it clear that the future of their communities lies in the hands of their daughters, as they would be the ones who would usher in sustainable change.

Upon departing, I asked the women of Kajiado what message I should give to the Canadian people. They responded: "Help us educate our daughters and we will do the rest."

• (1410)

Honourable senators, the achievements of Maasai women, organizations like Amani Communities Africa and women's efforts should no longer go unnoticed. I urge all honourable senators to join me in congratulating Maasai women, Amani Communities Africa and Joy Mbaabu for demonstrating the importance of empowering women.

### THE LATE HONOURABLE SHAHBAZ BHATTI

**Hon. Salma Ataullahjan:** Honourable senators, on March 3, I had the opportunity to travel to Pakistan with the Minister of Immigration and Multiculturalism, Jason Kenney. Despite endless threats from terrorists and even warnings from the Canadian government that it was not safe to travel to Pakistan, Minister Kenney and I felt obligated to honour our dear friend, the recently assassinated Minorities Minister of Pakistan, Shahbaz Bhatti.

After a 20-hour flight and hours spent at airports waiting for connecting flights, we arrived in Pakistan at 7:30 a.m. After touring the embassy and addressing its staff, we went to the church for Shahbaz Bhatti's funeral.

There were thousands in attendance to honour Mr. Bhatti. It was evident that Shahbaz Bhatti's dedication to human rights and his will to stand up for what he believed in was admired by many around the world. The thousands of crying faces at the funeral had an emotional impact on me, as I had come to realize that, although I had lost a close personal friend, the world had lost an influential man who had carried the hopes and dreams of the oppressed and marginalized.

I was surprised to see that the staff of most embassies stayed away from the funeral because of security concerns. Canada, on the other hand, had the largest representation at the funeral. Minister Jason Kenney and I sat near the coffin of our dear friend.

Our presence was truly appreciated by the Pakistanis. We were acknowledged by the Prime Minister of Pakistan, the bishop, and Shahbaz Bhatti's family. I was deeply honoured when Mr. Bhatti's mother reached out for my hand and kissed it while crying and pleading, "Wake up, my prince," to her dead son.

After the funeral, Minister Kenney and I held bilateral talks with the Prime Minister of Pakistan, who was accompanied by some of his ministers. This meeting was followed by a meeting with the interior minister, and then followed by a press conference and a meeting with members of the minority communities. These types of meetings ensure that my home country of Pakistan and my new home of Canada work closely together for a successful bilateral relationship.

Sixteen hours had gone by since we had arrived in Pakistan, and then we started our 20-hour flight back to Canada. I have made numerous trips to Pakistan before, but this trip was by far the most emotionally and physically exhausting.

Despite the threats and warnings, I am glad I was able to sit by my friend's coffin and honour his inspirational life. I am positive that Mr. Bhatti's life is one that can be admired by many and inspire change around the world.

[Translation]

### INTERNATIONAL DAY OF LA FRANCOPHONIE

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I rise today to recognize the International Day of La Francophonie and the end of the festivities surrounding the 2011 Rendez-vous de la Francophonie.

On March 20 of each year, francophones on every continent celebrate this day dedicated to the French language, which unites 220 million French-speaking people throughout the world and is a rallying point for 890 million people represented by the 75 states and governments of the Organisation internationale de la Francophonie.

This day is an opportunity for francophones throughout the world to reaffirm their solidarity and their desire to live together while embracing their differences and their diversity here in Canada.

This celebration of the French fact is clear evidence of the vitality of over 9.5 million Canadians who, in their everyday lives, help to keep the French language alive and flourishing.

Celebrations were held across Canada from March 4 to 20, 2011 to mark the 2011 Rendez-vous de la Francophonie.

The Rendez-vous de la Francophonie reflects the modern and dynamic francophone presence that is firmly established in our Canadian communities. This francophone reality is a unique strength that provides added value to our country.

[English]

The theme of this year's Rendez-vous de la Francophonie, "Interagir pour s'enrichir," which, translated into English is "Interaction leads to understanding," serves as a reflection of the actions taken by francophone communities from coast to coast to coast to establish relationships and partnerships in a variety of areas. These areas include those related to the economy, culture, tourism, education, health and immigration.

[Translation]

Mr. Abdou Diouf, Secretary General of La Francophonie, dedicated this International Day of La Francophonie to francophone youth. He said:

I would like to dedicate this International Day of La Francophonie to our youth: to young people in every country and on every continent; to young people in the Arab world who had the courage and dedication to peacefully seek political freedom and economic and social equality; and to young people who are no longer condemned to oscillate between hopelessness and revolt, but who can now, in dignity and trust, go forward with a very real hope for a future bright with liberty, stability and prosperity.

The International Day of La Francophonie allows us to celebrate the shared values, the traditions and the heritage that characterize the francophone identity, and the feeling of solidarity that is proudly developing throughout the world. It reminds us that the French language is a treasure that must be celebrated.

[English]

## 2011 TIM HORTONS BRIER CURLING CHAMPIONSHIP

### CONGRATULATIONS TO TEAM MANITOBA

**Hon. Donald Neil Plett:** Honourable senators, I rise today to congratulate the city of London, Ontario and men curlers from across Canada for their outstanding curling event last week at the 2011 Tim Hortons Brier curling championship.

I especially congratulate Team Manitoba from the Charleswood Curling Club for their gold medal victory. The Jeff Stoughton team has an impressive curling resumé, having won the Brier no less than three times as well as the World Curling Championships in 1996 in Hamilton, Ontario. To add to his already impressive resumé, Jeff beat me in a game at the Manitoba Curling Association Bonspiel in 1997.

At this year's Brier, Team Manitoba went nine and two, tying them at the top of the standings with Newfoundland and Labrador and Alberta. Manitoba then went on to beat Newfoundland and Labrador, the Alberta team and the Ontario team to win the championship. Teams from Manitoba have won the championship no less than 27 times since the Brier started in 1927. Their closest rival is Alberta at 22 wins. Once again, Manitoba has shown its curling supremacy.

Honourable senators, please join me in congratulating skip, Jeff Stoughton; third, John Mead; second, Reid Carruthers; lead, Steve Gould; fifth, Garth Smith; and coach, Norm Gould, and in

wishing our Canadian representatives well at the 2011 Ford World Curling Championships in Regina from April 2 to 10.

[Translation]

## ROUTINE PROCEEDINGS

### INFORMATION COMMISSIONER

#### PART I OF SPECIAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, pursuant to section 39 of the Access to Information Act, I have the honour to table, in both official languages, a special report entitled: *Special Report Number 1: Interference with Access to Information*.

[English]

### STUDY ON NATIONAL SECURITY AND DEFENCE POLICIES

#### SEVENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

**Hon. Pamela Wallin:** Honourable senators, I have the honour to table, in both official languages, the seventh report, interim, of the Standing Senate Committee on National Security and Defence, entitled: *Sovereignty & Security in Canada's Arctic*.

(On motion of Senator Wallin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

### CORRECTIONS AND CONDITIONAL RELEASE ACT

#### BILL TO AMEND—NINETEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

**Hon. Joan Fraser,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, March 22, 2011

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

#### NINETEENTH REPORT

Your committee, to which was referred Bill C-59, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts, has, in obedience to the order of reference of Thursday, March 10, 2011, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER  
Chair



**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Ogilvie, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

• (1420)

[Translation]

## THE SENATE

### NOTICE OF MOTION TO EXTEND WEDNESDAY SITTING AND AUTHORIZE COMMITTEES TO MEET DURING SITTING OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, having spoken with my honourable colleague on the other side of the chamber and having explained to her my reasons for moving this motion, with leave of the Senate, I give notice that later today, I shall move:

That, notwithstanding the order adopted by the Senate on April 15, 2010, when the Senate sits on Wednesday, April 23, 2011, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, March 23, 2011 be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

I wish to advise honourable senators that tomorrow at 3 p.m., a traditional Royal Assent will be held, in which, for the first time, the Governor General will sign the bills. It will be a very special event.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** I would simply like to verify the date with my honourable colleague. It is March 23, and not April 23, correct?

**Senator Comeau:** Correct.

[English]

Word programs are great, except when you change the date, so I agree entirely.

[Translation]

**The Hon. the Speaker:** Honourable senators, with that clarification, is leave granted?

**Hon. Senators:** Agreed.

[English]

## QUEEN'S UNIVERSITY AT KINGSTON

### PRIVATE BILL TO AMEND CONSTITUTION OF CORPORATION—FIRST READING

**Hon. Lowell Murray** presented Bill S-1001, An Act respecting Queen's University at Kingston.

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

(On motion of Senator Murray, bill placed on the Orders of the Day for second reading, two days hence.)

## IMPORTANCE OF LITERACY

### NOTICE OF INQUIRY

**Hon. Catherine S. Callbeck:** Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will call the attention of the Senate to the importance of literacy, given that more than ever Canada requires increased knowledge and skills in order to maintain its global competitiveness and to increase its ability to respond to changing labour markets.

[Translation]

## QUESTION PERIOD

### FOREIGN AFFAIRS

#### LIBYA

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government in the Senate. The armed forces were recently deployed to a new combat zone. As part of a UN-supported coalition, we are present on the ground, even though our participation is limited.

To date, government statements by the Minister of Foreign Affairs and the Minister of National Defence have not mentioned at any time that the action on behalf of Libya is based on a fundamental principle established in 2005, the responsibility to protect.

Can the leader tell us if we are applying the responsibility to protect in the Libya operation?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the Prime Minister consulted with the leaders of the opposition parties regarding the government's decision in this matter, with regard to Libya, and committed to seek Parliament's approval before extending the deployment of our forces beyond three months. There was serious and enlightened debate in the other place yesterday, which culminated in the support of the members of the House of Commons in the decision of the government to join our allies and support the United Nations Security Council Resolution.

[Translation]

**Senator Dallaire:** I am delighted. Everyone is at least one week too late and the situation has become much more complicated. The subject will surely continue to attract the attention of people looking for a solution to the Libyan problem.

I would like to come back to the question. Together with the coalition, and supported by the United Nations, we are implementing a concept that became a doctrine in 2005. The Government of Canada proposed that the international community adopt the concept of the responsibility to protect whereby, if a head of state or a state engages in massive violations of human rights and does not stop, we have the responsibility to protect those people.

Why does no one wish to say quite simply that we are applying this concept, since we are following the process established by the doctrine?

• (1430)

[English]

**Senator LeBreton:** First, honourable senators, I noted the honourable senator's criticism of the United Nations, when he said we went in a week too late. However, since the crisis in Libya began, our government has taken a strong and decisive position with regard to the Gadhafi regime, working with our allies, which is obviously what any responsible citizen would want us to do.

We have evacuated Canadian citizens. We have put in place tough sanctions, even tougher sanctions than had been recommended by the United Nations. We called on the Gadhafi regime to stop the bloodshed and to step down immediately. The President of the United States made similar calls. The United Nations Security Council has endorsed immediate action to protect Libyan citizens from the threat of further slaughter. Obviously, the resolution of the Arab League to enforce a no-fly zone was extremely helpful.

Canada fully supports the resolution, and has taken urgent action necessary to support it. We have deployed both naval and air assets as part of the United Nations-sanctioned international effort. Of course, all precautions will be taken to avoid the deaths of innocent citizens.

With regard to the responsibility to protect, the UN resolution and our participation in it is intended to protect Libyan citizens against the ravages of the Gadhafi regime.

As we see in the news, this mission is a difficult one. Every day we hear different stories about what tactics the Gadhafi regime is employing in Libya. I think it is fair to say, honourable senators, that the Canadian Forces in Malta and Italy are very much a part of the effort, along with our allies in the North Atlantic Treaty Organization, all acting under the resolution of the UN Security Council.

#### RESPONSIBILITY TO PROTECT

**Hon. Roméo Antonius Dallaire:** Honourable senators, the leader has often accused us on this side — and I have borne the brunt of this accusation a couple of times — that our questions are simply

based on newspaper articles. May I say, with respect, that everything the leader has just said I have heard or read at least a dozen times, through a variety of media outlets. I am not here to query the leader on how up to date she is with the media but to query her on the fundamental principles and concepts with regard to operations for which we deploy forces into zones that are in conflict.

This fundamental premise was articulated after Rwanda and after Srebrenica, when we said that we have a responsibility to protect. A whole spectrum of criteria have to be met, and these criteria are there to assist nations in taking even more timely decisions in terms of how to go through the diplomatic processes and ultimately, *in extremis*, how to use force.

Are we going into Libya with that concept in mind, that we are applying what we have sold to the rest of the world?

I can understand that there has been reticence with regard to the responsibility to protect. When we brought in this doctrine, some of the weaker countries were worried that the big boys would use it to come in and take away their dictators. That is not our plan, although there are a few out there who could use it. In the other case, there were the big countries that did not want to be dragged into situations that they were not keen on because of the RTOP.

Are we worried that if we use the term “responsibility to protect” as a fundamental premise and application within this operation, that it might create a precedent of our having to respond in subsequent operations?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I think the responsibility to protect is exactly the intent of the government in joining with our allies and with NATO, and also with the support of the Arab League. That responsibility is what the UN resolution is about, namely, to protect innocent people from the ravages of a Gadhafi regime.

**Senator Dallaire:** Sunday morning, on CTV's “Question Period,” the Minister of National Defence was asked specifically whether the operation to which we are committing ourselves is under the rubric of the responsibility to protect, and he said no.

My question is: Under what premise are we there? What grand strategic doctrine are we using to give a warm, fuzzy feeling to the Prime Minister and the cabinet, who are making decisions based on a concept and not on whether we should go in this time?

**Senator LeBreton:** Honourable senators, I did not see “Question Period.” It is one of those shows that I have decided is not worthy of watching.

**Some Hon. Senators:** Shame.

**Senator Munson:** Wait until you tell Craig Oliver that.

**Senator LeBreton:** In any event, honourable senators, we are in Libya specifically as a result of the UN Security Council vote. That is why we are there. I did not see the Minister of National



Defence on television. I doubt, although I have to take the honourable senator's word for it, that he said it in the way that the honourable senator characterized it. In any event, we are there with our allies to enforce the UN Security Council resolution, and there is nothing more I can say about this issue.

**Hon. A. Raynell Andreychuk:** Honourable senators, I did watch the show on Sunday.

**Some Hon. Senators:** Oh!

**Senator Fox:** Was it worth watching?

**Senator Andreychuk:** Senator Dallaire and I have an exciting life, I guess, on Sundays. I am not sure that was my interpretation of what the minister said, either.

However, my understanding is that when the responsibility to protect concept was put before the UN, there was discussion and then general agreement within the United Nations that the responsibility to protect doctrine was a valid one, and one that the UN should adhere to.

Subsequent to that agreement — and I believe it was led by Tony Blair, but I could be wrong — a number of countries came together to set guidelines as to what “responsibility to protect” means. They failed in that attempt.

Therefore, there are no principles or guidelines to this date, and so we fall back on the UN to determine, in each specific case, whether it is one that the community of nations wishes to enter. I believe that is what the Libya situation is, short of having principles that we can dust off and use as guidelines. Am I correct in my assessment, or have I missed a point?

**Senator LeBreton:** Far be it from me to comment, because I do not believe there is anyone in this chamber, on either side, who has a better understanding of international affairs and the operations of the United Nations, as well as many other areas in the world. The honourable senator did an excellent job representing Canada as a member of the diplomatic corps for a number of years before she came to the Senate.

I will take Senator Andreychuk's question as notice; however, I am sure that the honourable senator is correct.

## AGRICULTURE AND AGRI-FOOD

### AGRICULTURAL RESEARCH AND INNOVATION

**Hon. Catherine S. Callbeck:** Honourable senators, my question is to the Leader of the Government in the Senate.

In the Main Estimates for the coming fiscal year, the government is cutting funding for Agriculture and Agri-Food Canada by about \$150 million in agricultural research and science and innovation. The dollar figures have been cut from \$404 million to \$252 million.

This research is essential to have a safe and sufficient food system. Yesterday, Ron Bonnett, President of the Canadian Federation of Agriculture, said:

Given the global environmental and economic challenges and increased market volatility, now is not the time to make

cuts in areas needed to stimulate growth and ensure a sustainable competitive agricultural sector.

My question is this: Why did the government cut funding to agricultural research in the Main Estimates?

**Hon. Marjory LeBreton (Leader of the Government):** I wish to thank the Honourable Senator Callbeck for that question, and I will take it as notice.

• (1440)

**Senator Callbeck:** I am happy the leader is taking my question as notice. I look forward to the answer, because agriculture is the main industry in my province of Prince Edward Island. There are about 1,700 farms across the Island, and roughly 5 per cent of our population live on farms. We understand how important this research and innovation are to the economy.

The Prince Edward Island Potato Board has noted that we need adequate programs, policies and research in place to assist development of the industry. Bertha Campbell, the President of the Prince Edward Island Federation of Agriculture, noted recently that research is needed to produce the most crops from the world's limited arable land.

The leader has taken my first question as notice. I would ask the leader, when she is inquiring about that, if she would find out what the government's plan is for continuing research and innovation in agriculture.

**Senator LeBreton:** Honourable senators, obviously the government is putting a lot of effort into the whole area of research and technology advancement. I will take the question as notice.

[Translation]

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### SERVICE CANADA CENTRES IN ATLANTIC CANADA— OFFICIAL LANGUAGES

**Hon. Maria Chaput:** Honourable senators, my question for the Leader of the Government in the Senate is the following: On March 8, 2011, the Associate Deputy Minister of Human Resources and Skills Development at Service Canada testified before a committee at the other place that:

The administrative region of the Atlantic extends to Newfoundland and all of the Maritime Provinces and is designated unilingual.

Yesterday, I learned that, according to the minister responsible for Human Resources and Skills Development:

The Service Canada Atlantic Region has not been designated unilingual. There has been absolutely no change in bilingual services in the region. Every Service Canada centre and employee position that had been designated bilingual remains bilingual.

Today, we learned from a daily newspaper in New Brunswick that Service Canada's administration will now be concentrated in Halifax, a city where the predominant language is English. Will this city be designated bilingual by Service Canada or will there be a Service Canada office designated bilingual in Halifax? In light of this rather confusing information, I must admit that I am quite perplexed and I am not the only one.

My first question is the following: Since, if I understood correctly, the situation will remain unchanged with regard to service delivery in both official languages, what are the consequences of designating the administrative region of Atlantic Canada unilingual? Could the Leader of the Government in the Senate explain to us what the unilingual designation of the administrative region implies?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the truth of the matter is that the Atlantic Canada region has not been designated as a unilingual area. The government and Service Canada are committed to ensuring that Canadians are provided excellent services in the language of their choice.

The honourable senator mentioned the testimony of the government official. I understand that particular individual has corrected that testimony.

[Translation]

**Senator Chaput:** I want to thank the leader for her answer. I have a supplementary question. Could the Leader of the Government in the Senate tell me when and in what context the minister responsible for Human Resources and Skills Development made the statement I quoted earlier, which is very positive and makes me very happy? Will it be possible to get a copy?

[English]

**Senator LeBreton:** I would be happy to try to obtain that for the honourable senator.

[Translation]

**Senator Chaput:** Honourable senators, I have another supplementary question. If the media reports are correct, and if it is true that the Service Canada administration will be concentrated in Halifax, a city where English is clearly the dominant language, what will the consequences be for francophones?

[English]

**Senator LeBreton:** Again, the honourable senator is asking a question that I believe is hypothetical. When the honourable senator says this as a result of a report in the media, I immediately question that. As I have often said, one should believe 95 per cent of what one sees and only 5 per cent of what one reads in the newspapers.

Nevertheless, I will try to determine why a newspaper would write a story that is clearly erroneous.

[Translation]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and after consultation with and agreement from both sides of the chamber, I ask that Bill C-55, an Act to amend the Canadian Forces Members and Veterans Re-establishment and Compensation Act and the Pension Act, which is on the Orders of the Day for Wednesday, March 23, 2011, be brought forward now.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

[English]

### CANADIAN FORCES MEMBERS AND VETERANS RE-ESTABLISHMENT AND COMPENSATION ACT PENSION ACT

#### BILL TO AMEND—SECOND READING

**Hon. Donald Neil Plett** moved second reading of Bill C-55, An Act to amend the Canadian Forces Members and Veterans Re-establishment and Compensation Act and the Pension Act.

He said: Honourable senators, I am happy to have the opportunity to rise in this chamber to speak to Bill C-55, the Enhanced New Veterans Charter Act. This bill offers important changes to the current supports for Canada's modern-day veterans.

In 2006, when the New Veterans Charter first came into effect, it was described as a living document. It was a document designed to be updated when needed. Many of the needed improvements are included in this legislation. I am pleased to see that we are reaching a new, improved chapter with this living document.

With this legislation, we are heading in the right direction. Bill C-55, the Enhanced New Veterans Charter Act, is designed to ensure that Canadian Forces personnel, veterans and their families receive the support they desperately need and richly deserve when they need it.

Honourable senators, they need the support now. As such, this bill needs to be sent to committee now. It contains three key financial benefits that will improve the lives of thousands of new veterans:

First, this legislation will improve access to the Permanent Impairment Allowance under the New Veterans Charter and access to the Exceptional Incapacity Allowance under the Pension Act. This will allow more seriously injured veterans to gain access to an allowance which can be more than \$1,600 per month.



Many Canadian Forces veterans who currently do not qualify for the Permanent Impairment Allowance under the criteria established when the New Veterans Charter was implemented in 2006 will benefit with the new eligibility requirements proposed in Bill C-55. As well, by amending the qualifying criteria, more than 3,500 Canadian Forces veterans are expected to gain access to the benefits in the first five years of implementation.

These legislated changes will eliminate the barriers preventing the consideration of disability compensation under the Pension Act and the New Veterans Charter in making eligibility decisions for the Exceptional Incapacity Allowance and the Permanent Impairment Allowance.

• (1450)

Second, it introduces a \$1,000 per month supplement for the severely injured veterans who are already receiving the Permanent Impairment Allowance and who cannot be suitably or gainfully employed.

Honourable senators, individual veterans, their organizations and advisory groups serving the department have been clear: Severely and permanently injured veterans and their families require more monthly financial support to meet their needs. The supplement of \$1,000 was selected to ensure a sufficient monthly income to any of the three grade levels of Permanent Impairment Allowance.

Those veterans who are in the most need and who cannot be gainfully employed will now receive more than \$2,600 per month in addition to any other financial benefits and treatment supports available to them from Veterans Affairs Canada.

Veterans Affairs Canada is proactively compiling a list of those who have applied in the past for the Exceptional Incapacity Allowance of the Permanent Impairment Allowance and were ineligible at the time but now may be eligible once the changes in Bill C-55 take effect.

Finally, it will give Canadian Forces members and veterans a choice of payment options for the Disability Award. Veterans would be able to receive those payments for the number of years that they choose, would be paid interest and would be given the option to opt for a lump sum payout at any time after beginning to receive the annual payments.

Honourable senators, our veterans demanded changes to the lump sum payment, and our government responded by offering the options that they asked for. Each of these improvements is designed to address the concerns raised by veterans and their families and by other stakeholders and advocates.

I know that most in this chamber will remain vigilant when it comes to protecting and promoting the interests of Canada's veterans, and I know many from this chamber have already consulted with veterans and know that they are happy with this bill.

Recently, the Standing Senate Committee on National Security and Defence had the opportunity to travel to Edmonton to meet with members of the Canadian Forces and with veterans. Through our conversations, we heard of some confusion with

regard to what Bill C-55 proposed. Once the legislation was properly explained, most were happy with the overall purpose of this bill. The main issue, honourable senators, seems to be in the lines of communication with Canadian Forces members and veterans on what programs and benefits are available to them and their families. Our challenge is to make all Canadian Forces members and veterans aware of the programs and benefits that are available to them through finding the proper lines of communication.

Honourable senators, some of us recently received a letter from Guy Parent, the Veterans Ombudsman. In his letter, he stated:

Bill C-55 represents an important step in making the New Veterans Charter a living document as envisioned by parliamentarians five years ago. The bill may not be as comprehensive as some would like but, if passed, will immediately affect the lives of the most seriously disabled veterans receiving disability benefits under both acts who could not receive the Permanent Impairment Allowance or the Exceptional Incapacity Allowance because of a technical flaw in the New Veterans Charter. This change, combined with the introduction of a monthly \$1,000 supplement for permanently and severely injured veterans represents significant improvements.

Much debate remains about the disability award and whether or not the payment options provided under Bill C-55 go far enough to address the concerns around the lump sum payment, but it is important to remember that Bill C-55 is the first opportunity to make changes to the New Veterans Charter; it is not, nor should it be your last opportunity. Other steps must soon follow.

Honourable senators, through consultation with veterans and their advocates and with good research and study, we now know what can be adapted and adjusted to better fit the evolving needs of modern-day veterans and their families. Our government's approach to caring for ill or injured Canadian Forces members and veterans is to restore, to the fullest extent possible, independence through programs that enable health and wellness.

It is our distinct honour and privilege to serve those who have served Canada through war and peacekeeping operations, men and women who have sacrificed so much for all of us and now deserve to have us stand up for them and not delay the passage of this legislation.

**Some Hon. Senators:** Hear, hear!

**Senator Plett:** Honourable senators, with this new financial support that Bill C-55 will put in place, injured Canadian Forces veterans can focus on the most important goal: Getting well.

These proposed amendments to Bill C-55 and to the New Veterans Charter represent an investment of \$2 billion to increase financial support to Canadian Forces veterans. The Disability Award was never meant to replace the monthly pension. It is a compensation for the non-financial impacts of an injury or illness such as pain and suffering. The Disability Award is offered in addition to other incomes, such as the Earnings Loss Benefit and the Permanent Impairment Allowance, which are meant to compensate for the financial loss caused by an injury.

Under the New Veterans Charter, seriously injured veterans who can no longer work continue to receive a monthly income. Dominion President Ms. Patricia Varga of the Royal Canadian Legion stated this on Bill C-55:

This bill, as a first step, makes great strides at improving the New Veterans Charter and encompasses many of the recommendations made by the New Veterans Charter Advisory Group and the Standing Committee on Veterans Affairs. The legion considers that further improvements are needed to the charter on which we look forward to continuing the ongoing dialogue with Minister Blackburn.

Mr. Ray Kokkonen, President of the Canadian Peacekeeping Veterans Association, stated:

With this bill, we applaud the government for keeping its promise that the New Veterans Charter is truly a living document. Naturally, we are pleased to have had a role in this matter and that our advice and recommendations have been heard. Advocating for significantly increasing the financial support to our severely wounded Veterans, to allow them to live with dignity, is a top priority of our organization. Accordingly, we are very glad to see this challenging issue being addressed. We will continue cooperating closely with Minister Blackburn on other matters related to the Charter to ensure that the ongoing, emerging needs of our Veterans and their families are met.

Honourable senators, the New Veterans Charter was never about cutting costs or saving money. Its objective has always been to provide a holistic approach to treat veterans and their families with respect. Its objective has been to provide services and benefits in acknowledgement of their service and sacrifice to our country. This, honourable senators, is the least that we can do, and we owe each and every veteran and his or her family speedy passage of this vitally important piece of legislation. Now is not the time to make this a political issue.

Honourable senators, our colleagues in the other place saw the great importance of this legislation and passed this bill with unanimous consent. I am proud to sponsor Bill C-55, and I ask honourable senators to support our veterans by ensuring that this bill receives Royal Assent without amendment in the most expedient way possible.

**Hon. Joseph A. Day:** Would the honourable senator take a question?

**Senator Plett:** Certainly.

**Senator Day:** The honourable senator indicated, as one of his selling points, that the other place passed this bill with unanimous consent. Does the honourable senator know how long it took the other place to consider the bill before they arrived at unanimous consent?

**Senator Plett:** No, but I am sure the honourable senator will fill me in as I am sure he does know.

**Senator Day:** If I suggested 46 days, would the honourable senator object?

**Senator Plett:** No, honourable senators, I would not object to Senator Day's suggestion that it may have been 46 days. Of course, we have heard so much in the last few days. Yesterday, Senator Murray was taking wagers on whether we would have an election. There are those who are saying that there is, indeed, a lot more reason to place importance on the speedy passage of this bill, as I am sure the honourable senator would agree.

**Senator Day:** Thank you.

• (1500)

**The Hon. the Speaker:** Is there further debate?

[Translation]

**Hon. Roméo Antonius Dallaire:** Honourable senators, Bill C-55 is an improvement to Bill C-45, of which I was the sponsor and which was passed on May 17, 2005.

As was mentioned, it took the department nearly 10 months to implement the bill, which would provide for a better response to the needs of veterans and their families.

[English]

I have no desire for a lengthy debate because I look forward to the bill going to committee; however, I would like to bring some objectivity to the issue.

Honourable senators, the implementation of this document in 2006 by the Prime Minister himself indicated that it was to be a living document. Its aim was to respond to the needs of veterans because we were in an era where we were not sure how many veterans we would have, what the injuries might be and what the impacts would be on their families. Therefore, we wanted a bill that would give us the flexibility to respond in the fastest way possible.

We have now our first response to the living document, a document that might be a little out of breath because it has taken five years to get this amendment, but at least we finally have an amendment. In the short title, the amendment is entitled, "Enhanced New Veterans Charter Act." I think that is a misnomer. It enhances the New Veterans Charter, but it is not the "Enhanced New Veterans Charter."

Honourable senators, when you study Bill C-45, the New Veterans Charter do not forget that it was brought in because 15 years of new operational theatres had created a whole new generation of veterans. Do not forget the recent demands made on our Canadian Forces personnel in these operational theatres on the impact that they have had on our forces.

Let me situate this. We had World War II and the charter of 1943. We demobilize, and then we brought in the Pension Act of 1953. Essentially, that carried the members of the Canadian Forces. Whether they were injured in Cyprus or any other operational theatre, they would be covered under the new Pension Act, which was much less generous and much more stringent than the original charter. If you remember, with the original charter, the troops had the opportunity to buy homes and receive a full



education. The number of veterans that came back from World War II and the incredible investment by the country in the veterans permitted many universities to explode. In fact, there was a massive increase in the size of universities to meet the incredible demand that suddenly appeared.

Honourable senators, then we moved to the Pension Act and soon fell out of the Cold War into a new era of conflict. In this new era, we began to experience operational theatre injuries that were not of the same nature as previous peacekeeping missions. These theatres did not continue to be Chapter 6 peacekeeping missions where we stand there in our short pants, a blue beret and a baseball bat, and act as a referee without a red card or penalty box. We are now into operations that are at least Chapter 7, which require the use of force. *Ergo*, we are sustaining casualties due to the use of force, and sometimes they are psychological casualties because the forces are not allowed to use force when they should due to complex mandates.

Honourable senators, in this scenario, we have those 15 years of casualties, and we have an extensive study done by Veterans Canada and by advisory boards that the deputy minister created in 2000. It was called the Neary study, and we involved ourselves in that. In 2004, I participated in tabling the study here in this building at a big press conference. It was to be the launch pad for this new charter because the Pension Act was not meeting the requirements of the more severely injured veterans or soldiers.

The bill was moved through expeditiously, in the same terms as the honourable senator indicated, by all sides wanting to get it through, knowing there was a requirement. Within a period of less than 48 hours, it went through all three readings in the other place, all three readings here, and we ended up before the Standing Senate Committee on National Finance just to show we had done that, and bingo, we have this.

The New Veterans Charter has been tested over the last few years, and it has been found to be deficient. Its deficiencies are in dire need of being rectified because we have not only Canadian Forces members still serving but also their families and significantly injured veterans. They are not receiving the social contract that this nation has established with its veterans.

Honourable senators, after World War I this nation established an atmosphere — a commitment of the nation to its veterans — under which it says, “We will send you out to a theatre to establish our protection and our security, and in that theatre of operations, you may die. Potentially, you could be injured, and it may be for life. Your family will live with those sacrifices so the rest of us can live decently and go on with life as normal because we are safe, because those soldiers and sailors and air persons paid that price.” That social contract — that paternalistic contract — was the atmosphere under which the concept of Canadian veterans was established. It was paternalistic, but it was paternalistic as a father is to his children, as the children grow up, go off and do some work, find other jobs, get rehabilitated, but every now and again they fall back down because the injuries have come back to haunt them or have created complications. Therefore, they come back to Veterans Affairs where they are realigned, and benefits and capabilities are given to them. They are sent back out and they continue to live for the rest of their

lives knowing that the government — the people, really — recognize that this is a lifelong commitment. Why is that? It is because they committed themselves to the government for a lifelong potential injury and even death. It is the concept of unlimited liability.

Honourable senators, in applying Bill C-45 and then coming to the amendment of Bill C-55, we discovered that it needed more than what was already presented. The honourable senator has indicated that he fully recognizes that it needs more work, and, that we are reviewing it in committee at this time.

• (1510)

What Bill C-55 does need, however, is recognition that we are looking for a lifelong commitment by the government for an individual who is a veteran and not the creation of an insurance policy or a worker's compensation plan in which benefits are being taxed and other benefits are being limited. Some of the financial benefits are lower than even the public service, should a civil servant be injured. In fact, should a civil servant be injured and lose a leg, they would get more money than a veteran would under the New Veterans Charter.

Not only do we have that sort of disconnect, but the policy ends at age 65. All of a sudden, it drops off. On top of the limited access and some of the significant limitations of benefits that this charter has, at age 65, veterans end up back in the midst of potentially no resources whatsoever coming to them unless they are very severely injured.

Bill C-55 is looking at the most severely injured and cleaning up the legislation to allow for the possibility of these veterans being eligible for some of the specific benefits. That is okay; it is needed. It also is a bridge between the old pension act and the New Veterans Charter in order to permit those who are severely injured to get the maximum possible benefits and support. On that side, I have no problem whatsoever.

However, Bill C-55 is amending the previous Bill C-45, which was framework legislation, meaning it has these great lines of direction and then underneath it says “Governor-in-Council” and we will sort things out by regulations. The regulations are the interpretation by the staff of what the directive and policy should be.

It was interesting that the minister announced in November that the government tabled legislation on November 17, 2010, to increase the benefit to ensure a minimum annual pre-tax income of approximately \$40,000. That is very significant to a private who has been in the Canadian Forces for only a year, has no pension and has a salary much below that.

The problem with this earning loss benefit of \$40,000 is not that the minister has raised it to a minimum level — which, I would suspect, we can consider reasonable, although it is taxable — but that he did not need legislation to do this. That part of the act is a regulation. He could have implemented that in November. Why wait to put it in as a part of this package?

This is something that the minister perhaps should have implemented on his own without having to go to legislation. That would have responded to the spirit of Bill C-45. When we

talked about it being a “living document,” we were looking to give the minister the maximum flexibility without having to come back here or the other place in a panic to try to ram through a whole bunch of things that were not necessarily all well-thought-out.

To me, that is a deficiency that the minister could have responded to and implemented months ago, making many of those families much happier.

The other side of the bill is the different allowances and the costs thereof. When this was published and announced, we were going to bring enhancements and investments into the New Veterans Charter in the order of \$2 billion. One has to read the fine print. It is \$2 billion over the life of this legislation.

I would be keen to know who computed that \$2 billion, but I am really looking forward to seeing who was able to estimate that it is only \$2 billion. How many casualties do they think we will have? We are into Libya and God knows where else. How can one estimate something 20, 30 or 40 years down the road when there is no control on how many people are actually going to need it?

In fact, we have estimated the cost, and had people look at, and it is about \$40 million a year. That is a big difference from \$2 billion. Why come out with a \$2-billion statement? Why do they need that hoopla? Why do they try to smoke the troops with that kind of verbiage, when what they were doing was good and needed? They did not need all the bells and whistles in order to sell the product.

I am also anxious to see this bill go to committee and anxious that this bill hopefully will get through committee in a timely fashion. I hope that we can get it approved by Thursday.

My final comment is that this is a starting point. This is not an enhanced New Veterans Charter. This is the first element of enhancing this New Veterans Charter.

If I may return the compliment to my colleagues on the other side, I look forward to the initiatives and a lot of work and effort by the staff and the minister to bring forward faster a lot more of the absolutely essential enhancements that are needed to make this a living document, but living in order to help veterans live decently.

I will end with just one small nuance. The whole of the study pre-2005 leading to the New Veterans Charter argued that in this era, the families lived the missions with the troops. My mother-in-law told me that she would have never survived what my wife had to go through when I was in Rwanda. During the Second World War, she said, the whole country was at war. There were also very limited communications and censorship. Therefore, when my father-in-law was commanding his regiment over there, little was known about what was happening, except for the odd newsreel.

Today, the families are there with the television remote, following every action that is going on. They are changing channels all the time to see if Al Jazeera or CBC will be reporting

soldiers getting shot, killed, injured or whatever in these operations. The families are now significantly affected by the stresses and strains of these complex and ambiguous missions that are dangerous, because people are shooting at people.

This charter does not say one word about the family. Having sponsored it, I am prepared to say this is the biggest mistake that I have ever been involved with in presenting anything to anyone.

I do hope that we are going to ultimately produce an enhanced New Veterans Charter and that we can bring in these enhancements in a timely fashion and, in particular, bring the families into this. We must try to give them what they need to survive and to continue to support the troops in the most exemplary way they have been doing so the soldiers can return to missions, be effective and come back home. If soldiers are injured, they should not have to fight against a government department to live decently as injured veterans in this country.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

#### REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

**Hon. Donald Neil Plett:** I move that Bill C-55 be sent to the Standing Senate Committee on National Security and Defence.

• (1520)

**Hon. Roméo Antonius Dallaire:** I want to make sure that it will go to the committee tomorrow.

**An Hon. Senator:** It is going right now.

**The Hon. the Speaker:** Honourable senators, is the question clear? Is it your pleasure to adopt the motion?

(Motion agreed to and bill referred to Standing Senate Committee on National Security and Defence.)

[Translation]

#### THE ESTIMATES, 2011-12

##### ELEVENTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Joseph A. Day,** Chair of the Standing Senate Committee on National Finance, presented the following report:



Tuesday, March 22, 2011

The Standing Senate Committee on National Finance has the honour to present its

### ELEVENTH REPORT

Your committee, to which were referred the 2011-2012 Estimates, has, in obedience to the order of reference of Wednesday, March 2, 2011, examined the said Estimates and herewith presents its first interim report.

Respectfully submitted,

JOSEPH A. DAY  
*Chair*

(For text of report, see today's Journals of the Senate, *Appendix*, p. 1362.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[English]

### FREEZING ASSETS OF CORRUPT FOREIGN OFFICIALS BILL

#### THIRD READING

**Hon. A. Raynell Andreychuk** moved third reading of Bill C-61, An Act to provide for the taking of restrictive measures in respect of the property of officials and former officials of foreign states and of their family members.

She said: Honourable senators, I wish to add a few words to my comments at second reading. I want to thank the Standing Senate Committee on Foreign Affairs and International Trade, and in particular the deputy chair, Senator Downe, for effectively facilitating the appropriate hearing of this bill in our committee and for it arriving at its third reading today in the chamber.

As I said at second reading, there are existing pieces of legislation to attempt to seize certain assets when they are ill-gotten gains or misappropriated funds. However, the legislation is directed at trafficking and other situations. I thank the two ministers, Minister Nicholson and Minister Cannon for coming to the committee yesterday. Both of them stated that there was a gap in the law pertaining to countries that are in democratic transition. The government in place at the time of the change of leadership is not the same and, therefore, the new democratic forces are attempting to claim the assets that were destined for the citizens of that country.

This bill does not address forfeiture. It does not address the ability to make claims or to defend assets.

This bill freezes assets to allow these new transformative democratic regimes to be able to gather the evidence. We know that there are many new technologies today and that assets can be

moved around the world quickly. This bill facilitates the ability to freeze the assets to make the case. Therefore, it does not deal with forfeiture of assets.

The bill also allows for dealing with the assets in an expeditious way so that there is no loss of income should that occur while this act is in force. The bill will not in any way cripple the operations. What the bill does is freeze certain assets.

Senator Day will be happy to know that his question was put to the ministers and it was confirmed for us that all banks are caught under this act and that the wording both in English and French is the same as has been used in other bills, whether the bills are money laundering bills or anti-terrorism bills. We were given assurance that the language used is the same language applied in the past to cover all banks.

The curiosity comes from the English and the French and it is deemed appropriate in both. Both officials and ministers replied to that issue.

Also, this bill is trying to cover a gap that has been created by certain cases that have arisen recently. We know that these issues are ongoing. Those who wish to hide assets have as many technological means as those who wish to have the assets disposed of properly. Therefore, the House of Commons inserted a clause to have a review by both houses. The assets are frozen for five years and the period can be renewed. However, this amending clause allows for scrutiny by both the House of Commons and the Senate. There was some question as to whether the depositing of articles here to allow that kind of review meant clerks of both houses and we were assured that it meant both clerks and was the routine phraseology.

Honourable senators, with the acknowledgement that the bill is necessary and timely, I express my appreciation to all those who facilitated Bill C-61. It will go one step further in ensuring that assets should not be utilized for the benefit of leaders personally. They are assets of the state and should be used for the citizens of the state. This purpose is what this bill is intended for and this purpose is what we will follow to ensure that the bill delivers.

**Hon. Percy E. Downe:** Honourable senators, I want to join a brief discussion on this bill as well. I thank Senator Andreychuk for her cooperation in working through this bill on short notice. She was able to arrange for the two ministers to appear before the committee. Given what is going on with the Minister of Foreign Affairs, that appearance was an amazing accomplishment and the members of the committee appreciate it very much.

I want to report back to the chamber that the Standing Senate Committee on Foreign Affairs and International Trade had a meeting on this bill. However, let us not labour under the illusion that this bill was given detailed review. Out of respect for the government's concern that this bill be passed quickly, we acted in more haste than we would have otherwise.

The Standing Senate Committee on Foreign Affairs and International Trade had only one meeting to discuss the bill. Honourable senators, I appreciate the need for this legislation, and I acknowledge the government's desire to pass this bill as

quickly as possible. However, as with all legislation, the devil is in the details. This devil lies at the end of a road paved with good intentions.

This bill is meant to apply to circumstances where systems of government and, by extension, systems of justice are in a state of transition, perhaps even chaos. The prospect of a provisional government or some tribunal using this measure in a way we did not intend is a concern.

It is not hard to imagine a foreign government using this measure against a former official who has fallen out with the new government, or even against the friend or relative of such an official, regardless of whether the official in question is corrupt. If the Government of Canada believes that this request is legitimate, what then? How will this process of “freezing” and “seizing” work?

• (1530)

I hope that any foreign state requesting Canada’s assistance in recovering the proceeds of corruption is able to provide detailed information, because the current government’s record in finding hidden money is not positive.

The legislation does not state who will do the digging, but given the nature of the issue, one can expect the whole alphabet soup of agencies and programs. The Financial Transactions and Reports Analysis Centre of Canada, FINTRAC, the RCMP, the Canadian Security Intelligence Service, CSIS, and the Superintendent of Financial Institutions will all have an involvement in uncovering foreign assets.

Naturally, the first organization that comes to mind when discussing hidden assets is the Canada Revenue Agency. Uncovering hidden assets would appear to be the CRA’s stock and trade. Unfortunately, the agency’s record in this area has been horrendous.

For example, in recent years, both the French and German government provided the Canadian government with information about hundreds of secret bank accounts held by Canadians in Liechtenstein and Switzerland.

In the case of Liechtenstein, in the four years since the names of 106 Canadians with secret bank accounts was given to the Canada Revenue Agency, not one Canadian has been charged and not one penny has been assessed in fines.

Given that the accounts held by Canadians contained over \$100 million, with \$12 million in one account alone, this situation is shocking. It has led many Canadians to lose confidence in the Canada Revenue Agency’s ability to track down undisclosed funds. I have had Canadians who follow this issue closely ask me who the Canada Revenue Agency is protecting.

Countries such as the United States and Germany have laid tax fraud charges on individuals for having undeclared bank accounts in tax havens.

In Germany, for example, in the year following the discovery of the accounts, hundreds of German citizens came forward, including many who thought incorrectly they were among those

named as foreign account holders. The prospect of heavy fines and prison terms for tax fraud in Germany caused them to err on the side of caution and come forward.

In Canada, on the other hand, not one charge has been laid. In the four years since this list of 106 Canadians was given to the CRA by the German government, not one of these Canadians who have hidden money in tax havens has stood before a judge in Canada or overseas. Indeed, only 26 of the 106 Canadians had their accounts assessed after four years.

In 2009, French authorities received information about 80,000 bank accounts in Switzerland, 8,000 of which were opened by French citizens to avoid paying taxes owed to the French state. Since then, many French citizens have admitted to tax evasion, and their government has recovered millions of dollars in unpaid taxes.

Like their German counterparts, French authorities also advised the Government of Canada that some 1,785 Swiss bank accounts are held by Canadians. Unfortunately, if the Liechtenstein affair is any indication, the fact that only 26 of the 106 cases have been reassessed in four years means that the 1,785 Canadians who hold Swiss bank accounts will consume some 274 years of the Canada Revenue Agency’s time to conclude their investigation.

Clearly, if this is an example of how the government goes after money owed to the Government of Canada, further examination of how it would hunt down money owed to other governments would be warranted. While I am not casting doubt on the testimony of our committee witnesses, we need to hear more testimony.

At its essence, Bill C-61 is a bill that was written quickly to respond to a specific problem, and it was expanded to become more general. Its full implementation, and where it fits among similar Canadian and international measures, needs to be examined.

Late last week, the Foreign Affairs Committee members received a letter from the Federation of Law Societies of Canada, which expressed concern about certain aspects of this bill:

We are very concerned . . . that the broad disclosure requirements in section 9 of the proposed legislation would impose duties on legal professionals that are contrary to the independence of the bar, the duty of loyalty and the protection of solicitor-client privilege.

Honourable senators, I repeat my earlier suggestion that the Standing Senate Committee on Foreign Affairs and International Trade be tasked with a thorough study of this bill. We had not heard of this bill three weeks ago, but we acceded to the government’s desire to act quickly. Now we must act with deliberation and give Bill C-61 the consideration it deserves.

**Hon. Joseph A. Day:** Honourable senators, I want to make a few comments with respect to this bill. First, I wish to thank the Honourable Senator Andreychuk for addressing two of the points that I raised at second reading. I will ask about the third one now, namely, with respect to the short title.



Honourable senators, if we are to continue with the use of short titles that make misleading statements, the proposed title for this legislation is "Freezing Assets of Corrupt Foreign Officials Act." I understand Senator Andreychuk to say this bill is for freezing, not seizing, and, therefore, it gives foreign government officials who were previously in power an opportunity to develop a case.

However, by using the adjective "corrupt," are we not taking away due process in relation to this particular piece of legislation? That is my concern. I hope the honourable senator will now consider the request and suggestion by the Honourable Senator Downe, namely, that the honourable senator provide time to study this legislation properly.

I heard Senator Andreychuk's comments with respect to proposed sections 7 and 8, and I accept those explanations. I know what the two ministers are trying to achieve, but I would prefer a legal interpretation. I am not convinced the ministers can provide us with a legal opinion that the clerk of the house is indeed the Clerk of the Senate.

Those are my comments.

**The Hon. the Speaker:** Further debate?

**Senator Comeau:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read third time and passed.)

[Translation]

## THE SENATE

### MOTION TO EXTEND WEDNESDAY SITTING ADOPTED AND COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of March 22, 2011, moved:

That, notwithstanding the order adopted by the Senate on April 15, 2010, when the Senate sits on Wednesday, March 23, 2011, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, March 23, 2011 be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

(Motion agreed to.)

[ Senator Day ]

• (1540)

[English]

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Pamela Wallin:** Honourable senators, I ask leave at this time to seek permission from the chamber that the Standing Senate Committee on National Security and Defence be allowed to meet at 4 p.m. tomorrow, even though the Senate will then be sitting. I should clarify that it would not be the committee's regularly scheduled meeting time.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

(Motion agreed to.)

## THE ESTIMATES, 2010-11

### SUPPLEMENTARY ESTIMATES (C)—TENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on National Finance, (*Supplementary estimates (C) 2010-2011*), presented in the Senate on March 10, 2011.

**Hon. Joseph A. Day** moved the adoption of the report.

He said: Honourable senators, I will be brief in outlining some of the points in this report on Supplementary Estimates (C), the final estimates for this particular year.

Honourable senators will know that Main Estimates come out at this time of year. In fact, I filed earlier today our committee's first interim report on the Main Estimates for the next fiscal year. At this time, we are finishing the fiscal year that comes to an end on March 31, 2011.

There are a number of points in this report, including some that I wanted to bring to honourable senators' attention with respect to Veterans Affairs Canada that will impact on some of the debate that we have heard today. Keep in mind that this is money that the government is seeking that is not provided for in statute; they are funds to be appropriated from the general revenue of the government to complete this particular fiscal year.

Before delving into this brief summary, honourable senators, I want to thank the Deputy Chair, Senator Gerstein, and, with him and through him, all of the members of the Standing Senate Committee on National Finance for their cooperation in handling some of the items that come before us in a quick fashion that gives us less time than we would normally want to take. I want to thank them for agreeing to do a pre-study on those items.

A pre-study is our normal way of handling estimates in anticipation of the supply bill's arrival.

We had anticipated that the supply bill would be here on Monday of this week; however, it will now be here on Friday of this week. With the work done in committee in studying what it contains and in dealing with this report, we now anticipate that we can handle that bill expeditiously when it arrives. If need be, we can shorten the time we would normally take.

Honourable senators, the Supplementary Estimates were filed in both the House of Commons and the Senate at the same time on February 8. As soon as they were referred from the chamber, we immediately started to do our work on those particular matters.

We met with officials from Public Works and Government Services Canada, Atomic Energy of Canada Limited, Veterans Affairs Canada, Canada Border Services Agency, the Office of Infrastructure Canada, and Human Resources and Skills Development Canada. We always start with Treasury Board of Canada Secretariat, and we want to thank them for the fine work that they do not only in presenting the various departmental requests, but also in reacting to our reports and making such changes they feel they can make, so that we can better review and understand the various estimates that are presented to us.

When honourable senators see the supply bill on Friday, they will be requested to vote on an amount of \$919.7 million. That is budgetary voted appropriations. We talk about "budgetary" and "non-budgetary." "Non-budgetary" items are funds put out by the government, such as Canada Student Loans and loans to various other entities, that are carried on the books as funds that may potentially be returned to the public purse. They are "non-budgetary."

Voted appropriations and statutory appropriations are the other divisions that honourable senators should keep in mind. Voted appropriations are the ones, as suggested by the adjective, that honourable senators will be voting on. Statutory appropriations are appropriations provided for as a result of statutes that honourable senators, or their predecessors, have voted on in the past. The funding mechanism comes through a particular piece of legislation. Approximately \$919 million is what we will be voting on, and we will check on that amount when the bill is forthcoming on Friday.

The various departments I will mention are the departments that are calling for about 90 per cent of the items requested; six different departments use up 90 per cent of the amount in these Supplementary Estimates. Naturally, they are the departments that we would focus on and go to when we start our work. These include the acquisition of the Nortel Carling Campus by Public Works and Government Services Canada on behalf of National Defence; Atomic Energy of Canada Limited's continued operation requirements; and Veterans Affairs Canada's disability awards and allowance program. These words are very similar to those spoken earlier today with respect to Bill C-55, honourable senators.

Other departmental items include the write-off of Canada Student Loans debts by Human Resources and Skills Development Canada; the introduction of a pay-direct card for members of the Public Service Health Care Plan; and the administration of the harmonized sales tax in Ontario and British Columbia, as well as the initial costs to the public purse of having those two provinces join the program. Let us briefly look at each of those items.

The first is Public Works and Government Services Canada. They are asking for voted appropriations of \$261 million. Included in that amount is the acquisition of the Nortel Carling Campus, which will be the future home to the Department of National Defence. They indicate that about half of their staff will ultimately move to that particular campus. The cost of acquiring that cluster of buildings — the campus — is \$208 million.

Honourable senators asked some rather probing questions; namely, what kinds of cost will it take to move, and what renovations are likely to be required? The estimated total cost is \$998 million, honourable senators. I will repeat that: It will cost \$998 million over several years. It was pointed out to us by the government officials that PWGSC indicated that does not take into account any savings that might take place.

Therefore, the cost of a new building was \$800 million. The cost of moving National Defence and renovating the building amounts to \$998 million total.

**Senator Dallaire:** A bargain.

**Senator Ringuette:** That is \$200 million more.

**Senator Day:** Atomic Energy of Canada Limited was the next entity I wanted to talk about. Honourable senators will know this has been the subject of discussion over the last several Supplementary Estimates, and it continues. They requested voted appropriations of \$175 million. These requested appropriations are not unlike the \$300 million in Supplementary Estimates (A) and \$294 million in Supplementary Estimates (B).

• (1550)

In response to questions, honourable senators were told there are a number of ongoing projects that require funding, including the life extension project and the difficulties they are encountering, most notably at Point Lepreau in New Brunswick. Their operational costs are \$21.4 million. You would think that over time they could figure out their annual operational costs so they would not have to keep coming back to us on supplementary estimates. We keep asking those same questions, honourable senators.

Further, we heard \$18 million for the development of new reactor technology; \$16 million for isotope production; and \$16 million for health, safety and security upgrades at Chalk River.

Honourable senators, because of the continued budget shortfalls at AECL, Natural Resources Canada indicate that they have been actively monitoring AECL's financial difficulties. In fact, we were told by AECL that they are not able to make any decisions or go ahead with any development while they are under this restricted operation mode. Honourable senators will know that particular entity, or at least part of it is up for sale, and that is part of the reason for these delays.

Honourable senators, I am concerned about some of the things we heard today with respect to the proposed legislation regarding Veterans Affairs Canada, in light of what we have learned in the Supplementary Estimates (C).



Veterans Affairs Canada is requesting gross voted appropriations of \$192 million, including \$156 million to address the current demand and backlog of applicants for the Disability Awards and Allowances Program. We have just heard that the bill will increase the number of veterans who will be entitled to apply for Disability Awards and Allowances, but we already have a backlog and they are requesting \$155.6 million to handle the backlog.

Honourable senators should be aware of this statement by Veterans Affairs as we are dealing with this particular piece of legislation, which we are being asked to push through quickly and not look at in detail. According to Treasury Board Secretariat officials, part of the funding for the Disability Awards and Allowances Program would be directed towards administrative costs to hire more people to handle a backlog that they cannot handle now. That is without the new legislation.

Veterans Affairs Canada officials attributed the \$155.6 million appropriations request to three principle factors. They indicate why they have a much greater take-up of the veterans who are currently covered under the New Veterans Charter; application by many veterans for a second award, which they were not anticipating; and reassessment of previous awards when the amount of the award is being increased. They indicate that is what is causing the backlog.

The current backlog, on average, is 24 weeks for a veteran. Honourable senators can understand the veteran's frustration when they come before our Subcommittee on Veterans Affairs, when this is the manner in which they are being handled now. Therefore, we must ensure that if we increase the number of veterans who can apply for disability and allowances, that the proper administration is in place and the proper funding is there; otherwise, all we will do is increase the frustration that already exists.

Veterans Affairs requested appropriations of \$11.3 million to increase the *ex gratia* payments in respect of Agent Orange. A number of veterans suffered as a result of Agent Orange being tested. To their credit, the government has finally changed the eligibility rules. Previously, it was only those veterans who were living, those who had been sprayed in 1966-67 but who had managed to live until the Conservative government came to power in 2006. The government has changed that now, and I think that was the right thing to do. They have not relaxed this particular set of rules to the extent that many of us would like to have seen, but they no longer have that artificial deadline that previously irritated many veterans, especially those who had been at CFB Gagetown during that time period.

Veterans Affairs has asked for \$9.2 million for vocational and medical rehabilitation associated with the New Veterans Charter. They need an additional \$9.2 million, as well as \$1.6 million for the Legacy of Care initiative, an amount that would finance additional case managers to assist with the delivery of services for seriously injured military personnel and their families.

There was also some discussion with respect to the Veterans Independence Program. There was a desire on the part of many of the senators in our committee to see that the program was

changed so that the veteran who had died, and his widow, could action that program, even though that veteran was not on a pension or drawing on the disability program at the time of his death.

Honourable senators, I see that my time is up. Could I ask for five more minutes to conclude my remarks?

**Hon. Kelvin Kenneth Ogilvie (The Hon. the Acting Speaker):** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Day:** Thank you, honourable senators.

That is all I will say about Veterans Affairs, although there is more that I could say. However, there is only enough time to give you the highlights of some of the items. I encourage honourable senators to review the report, which has been developed and unanimously supported by our committee.

Under Canada Border Services Agency, the point I would like to raise is the 500 migrants who came to the West Coast of Canada in August of 2010. Canada Border Services Agency is seeking a huge amount of money in incremental costs associated with the 500 migrants.

Honourable senators, we must keep in mind that there is a cost of \$190 per day, per person, to keep these migrants in detention; and unless they can establish their credentials, they are kept in detention. That cost is growing. They are requesting \$31.4 million in this particular supplementary estimates.

Honourable senators, Bill C-49, which is the Immigration and Refugee Protection Act, as well as the Balanced Refugee Reform Act and the Marine Transportation Security Act, are all to be amended. The interesting thing is that we are being asked to vote some funds in anticipation that the amendment will follow. Canada Border Services Agency and Treasury Board assure us that they will hold the funds in abeyance until that is passed. Honourable senators, that is a very unusual manner in which to deal with voted appropriations. We have let them know that we were not at all happy — and some senators used the term “critical” — with this particular process of handling matters.

**Senator Banks:** I guess so.

**Senator Day:** Honourable senators, the Office of Infrastructure Canada is a department that lives on emergency funding under vote 5 of Treasury Board. They explained to us that is because Infrastructure Canada is not a full-blown department. Infrastructure Canada gets most of its funding through administering specific projects, and they did not know how long it would be in place. It was suggested that perhaps they should have operating funds of their own in a budget, so that we can look at that, rather than go to Treasury Board, get emergency funding, and then come to us after the fact to run Infrastructure Canada. That is another area we will be watching. We have made our suggestions in that regard.

• (1600)

We asked about the extension of the infrastructure program. We talked about the fact that no environmental assessment impacts had been done with respect to projects under the infrastructure program to deliver the funds out there. There is a new set of rules with respect to the extended program, which was to end July 31.

We were interested in talking to Human Resources and Skills Development Canada because they asked for \$166 million in these supplementary estimates. The largest appropriation of \$149 million is to write off unrecoverable debts from the Canada Student Loans Program. That appropriation is \$149 million to write off student loans.

We asked extensive questions in relation to that figure. Approximately 13 per cent of student loan funds are lost for one reason or another, and the department administering this program feels that 13 per cent is reasonable under the circumstances, but we have asked them to keep an eye on that funding, and we will want to keep an eye on it. Total amount of student loans outstanding now is \$13.5 billion, and statutorily, the limit is \$15 billion. Actuaries feel we will reach that limit in about two years. In two years' time, we will probably be requesting to increase the ceiling with respect to these student loans.

Secretariat officials also noted that Canada's Disability Savings Grant is structured such that the federal government may make matching contributions. This point is in respect to disability. This is a final point that I will make, honourable senators.

This disability allowance was brought in a year ago. Government officials had anticipated it would take three years to use the amount of money forecasted and the take-up has been such that all of those funds were used up in less a year. The government is asking for more money to supplement that particular program. It is a good program and, if it is being administered properly, we are not complaining that there are those with disabilities who are able to live on their own as a result of receiving government assistance.

Honourable senators, there are a few of the highlights of this particular report. I commend it to your reading and look forward to the report being adopted before Friday so that we can proceed with the supply bill.

**The Hon. the Acting Speaker:** Is there further debate?

**Hon. Irving Gerstein:** Honourable senators, it is my honour to address the tenth report of the Standing Senate Committee on National Finance on Supplementary Estimates (C), 2010-11, the final instalment of appropriations for the fiscal year that will end next Thursday.

I can assure honourable senators that, as always, the committee worked together in a most effective manner in its examination of these estimates, and I applaud Senator Day, the chair of our committee, for his earnest and non-partisan approach to these deliberations.

Honourable senators, these supplementary estimates describe total appropriations of \$1.8 billion. This total includes \$886.3 million in statutory appropriations — that is, expenditures already authorized under existing legislation — and \$919.7 million in voted appropriations — expenditures that must be authorized by Parliament through an appropriation bill.

Honourable senators, it was the great 18th century poet and hymnodist — apparently that is what we call someone who writes hymns — William Cowper, who wrote:

Variety's the very spice of life, That gives it all its flavour.

Indeed, it is the truth of these immortal words that makes it such a pleasure to serve on the Standing Senate Committee on National Finance, for each set of estimates that comes before us describes expenditures in a wide, great variety of fields and keeps our work interesting. The supplementary estimates now before us are a case in point, describing expenditures by some 48 different organizations.

However, it is also the variety that makes the work of the National Finance Committee somewhat challenging as we must choose what particular items in the estimates we wish to investigate in depth. Typically, we call witnesses to describe in detail the largest expenditures, although we do not restrict our inquiry solely to those items.

In these Supplementary Estimates (C), the single largest voted appropriation requested was in the amount of the \$216.8 million for the Department of Public Works to purchase the former Nortel campus in Ottawa's west end, which will be occupied by the Department of National Defence. This amount includes the purchase price of \$208 million, as well as transaction costs and property taxes.

Treasury Board officials assured our committee that this purchase represents the lowest cost per square metre of real estate procured by the federal government in the National Capital Region in recent times. The total cost of the new facility, including acquisition, renovation, security, information technology and the physical move, is expected to be \$998 million by the time the move is complete, in five to seven years. However, this cost is expected to be defrayed partly by annual savings associated with consolidating operations in a single facility, as opposed to the dozens of buildings currently occupied by DND throughout the national capital.

I can assure honourable senators, as Senator Day indicated in his comments, that the National Finance Committee has requested further information relating to these potential savings, as well as the cost analysis process and policies used by the Department of Public Works in making such procurement decisions.

The Department of Veterans Affairs is also requesting a significant appropriation in these supplementary estimates, in the amount of \$190 million. Honourable senators, Canada's veterans are the champions of our most deeply held convictions, and the saviours of the rights and freedoms we all enjoy. We must honour them, not only in words and ceremonies, but by ensuring



that they can share fully in the quality of life that they have safeguarded for the rest of us through their sacrifices.

To that end, the Conservative government recently announced several measures to improve the lives of our veterans and their families. Some of those measures are reflected in these Supplementary Estimates (C), while others depend on the passage of Bill C-55, which was recently passed by the other place with all-party support, and which is now before this place.

Among the new measures reflected in these estimates is the Legacy of Care initiative that was announced on September 28, 2010, by the Minister of National Defence and the Minister of Veterans Affairs. This initiative includes payments of \$100 a day for family members or friends who leave their jobs to help care for ill or injured soldiers; improved access to education upgrades for veterans' spouses; support services such as wheelchair accessible transportation and delivery of medical supplies and groceries; and the hiring of additional case management personnel.

However, the lion's share of the funds requested by the department in these supplementary estimates is to reduce the backlog of applications for the disability awards and allowances programs for injured veterans.

Veterans Affairs Canada officials told our committee that at the start of 2010 the department was having difficulty meeting the 24-week standard for deciding applications for disability awards. Thanks to the efforts of departmental staff, the backlog was virtually eliminated by April 1, 2010.

The minister subsequently announced the new service standard of 16 weeks, effective April 1, 2011. According to witnesses who appeared before us, the department is on track to achieve that new standard: remarkable progress indeed, honourable senators, for which our public servants deserve our appreciation.

The Supplementary Estimates (C) also describe large appropriations for the Department of Human Resources and Skills Development. Most of these appropriations are statutory and included in these estimates for information only. I will comment on these items first.

For instance, net Canada student loans disbursed exceed the amount forecast by \$311 million. Officials from human resources suggested that increased demand for student loans was driven by two factors. First, during the recession, some young people may have chosen to continue their schooling rather than enter a troubled workforce; and second, tuition fees have been increasing faster than the general inflation rate, so some students may find that their part-time jobs and their parents' income are less adequate to fund their education.

• (1610)

Demand has also exceeded forecasts for the Canada Disability Savings Bond, which is up to \$1,000 per year and which is deposited into the Registered Disability Savings Plans of low- and modest-income Canadians, as well as the Canada Disability Savings Grant, a grant that the government deposits into Registered Disability Saving Plans based on the amount contributed by the beneficiary's family. To be precise, these estimates contain \$67 million in additional funding for Canada Disability Savings Grants and \$32 million for Canada Disability

Savings Bonds. This represents a roughly seven-fold increase in the funding of these programs. The reason for this is that the program proved to be far more popular far more quickly than anticipated, in part because it has been effectively promoted by the financial institutions that offer Registered Disability Savings Plans. This is a good-news story.

These Supplementary Estimates (C) also show an increase of \$60 million for the Canada Education Savings Grant. Our committee was informed that the improvements in the Canadian economy have put Canadian families in a better position to contribute to RESPs for their children. Increased contributions for Canadians have in turn triggered greater contributions by the government, again a good-news story.

On the other hand, our statutory expenditures are being reduced in these supplementary estimates. For example, there is a reduction of \$356 million in the forecasted amount of Old Age Security payments and a \$211-million decline in forecasted Guaranteed Income Supplement payments, both due to changes to the number of beneficiaries and the forecasted average monthly benefits rates. I emphasize, honourable senators, that there has been no change in the eligibility criteria or the way the benefits are calculated for any recipient.

It is also worth noting that Old Age Security benefits are fully indexed on a quarterly basis to any rise in the cost of living. In 2010-11, it is estimated that the federal government will pay over \$36 billion in OAS and GIS benefits to eligible seniors.

Aside from these statutory items, HRSD is asking for an additional \$88.6 million for the write-off of unrecoverable Canada Student Loans. This amount covers a three-year period and represents just 1 per cent of the Canada Student Loans portfolio.

The final area I will touch on is the new funding being sought by the Canada Border Services Agency. The CBSA requires \$22 million to defray costs related to the arrival of nearly 500 migrants aboard the *MV Sun Sea* last August. In response to the arrival of the *Sun Sea*, the CBSA deployed staff to British Columbia and processed each arrival, determining admissibility, obtaining fingerprints and photographs, and performing security and criminal checks. A temporary processing facility was set up on the dock, and arrangements were made with B.C. Corrections for the transportation and detention of the new arrivals.

At a press conference in Geneva on August 17, 2010, four days after the *Sun Sea* arrived in Canada, the United Nations High Commission for Refugees praised the manner in which the Canada Border Services Agency dealt with the arrival of migrants in general and its handling of the *Sun Sea* passengers in particular. It is the price of this effective response that is reflected in Supplementary Estimates (C).

The CBSA is also seeking \$1.5 million for the investigation of human-smuggling networks and operations to prevent similar vessels from setting sail to Canada. Officials told the Standing Senate Committee on National Finance that this \$1.5 million investment has already paid for itself.

I have highlighted just a few of the salient items described in Supplementary Estimates (C) for the fiscal year ending 2011. They do not represent an increase in spending plans. The amount presented is within the spending levels specified in Budget 2010.

In closing, honourable senators, I want to thank the officials who appeared before the committee for their insight and professionalism. I can assure you that the appropriations requested in Supplementary Estimates (C) 2010-11 are indeed appropriate.

**The Hon. the Acting Speaker:** Further debate?

**Hon. Tommy Banks:** Would Senator Gerstein entertain a question?

**Senator Gerstein:** Yes.

**Senator Banks:** It is a question arising from ignorance. I would have asked Senator Day, but his time ran out and Senator Gerstein's has not. It is under the rubric of the old saying "It ain't over 'til the fat lady sings."

Senator Day mentioned the fact that, with respect to actually spending some of the money that CBSA is requesting under these estimates, some sort of amendment to legislation or to statutes will be required so it can be spent legally.

Long before I came to this place, I was involved in a situation in which the then government asked a government agency with which I was connected to undertake certain things on the assurance that legislation enabling it would be passed. At the time, there was a large government majority in the Commons and a large government majority in the Senate. The legislation, however, failed and the resulting foofaraw was costly all around.

I am wondering if Senator Gerstein is confident, and if the government is confident, in the event that legislative action fails — however unlikely that might be — that the money is fully recuperable and that it would not be spent until there is, in fact, statute authorization for it.

**Senator Gerstein:** I thank the honourable senator for the question. It is a very pertinent question, and I might add to what Senator Day said earlier.

I can assure the honourable senator that all members of the committee were concerned about the process we were going through. We were assured — that is the one thing I can say — that not one dollar of the monies allocated for what requires a subsequent vote will be spent until that vote will have been approved. It is not a question of getting money back; the money will not be spent. It has been approved, but it will not be spent until that approval is received.

**Senator Banks:** I must observe, as part of the question, does the honourable senator agree that the idea of authorizing expenditures in estimates prior to legality in spending it, however careful the assurances are, is a new and unique idea?

**Senator Gerstein:** Again, I agree with the statement of the honourable senator. I express the view of the entire committee: It is not good, but it was necessary and we are certainly very much aware of it on the committee. We are not looking for it to happen.

**The Hon. the Acting Speaker:** Will Senator Gerstein accept an additional question?

**Senator Gerstein:** Yes.

**Hon. Percy E. Downe:** Honourable senators, I just want a clarification that maybe the deputy chair could provide and, if not now, he could send a response to me.

The chair of the committee in his comments mentioned additional funding for Agent Orange payments. My understanding was the government had originally budgeted \$96 million for the very limited compensation affecting those who served at Canadian Forces Base Galetown.

**The Hon. the Acting Speaker:** Senator Gerstein's time has expired. Is he seeking additional time?

**Senator Gerstein:** I would like to respond to the senator, if I may.

**Senator Comeau:** Five minutes.

**The Hon. the Acting Speaker:** Is that agreeable?

**Hon. Senators:** Agreed.

**Senator Downe:** The question is on the original allocation of \$96 million, which was for the narrow time frame of 1966 to 1967 for the members who served at Canadian Forces Base Galetown. Of that \$96 million, \$33 million was not actually spent because of the lack of applications from those who actually qualified. As honourable senators know, there was an original promise for a period of 1956 to 1984, but the final decision was for just those two years, 1966 and 1967.

Why does the government require additional money if \$33 million of the original \$96 million was never spent? Obviously, if the honourable senator cannot answer that, he could send me his response and that would be appreciated.

**Senator Gerstein:** I would be pleased to return that information in writing to Senator Downe.

**The Hon. the Acting Speaker:** Further debate? Are honourable senators ready for the question?

**An Hon. Senator:** Question.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted.)



• (1620)

[Translation]

**CANADIAN FORCES MEMBERS AND VETERANS  
RE-ESTABLISHMENT AND COMPENSATION ACT  
PENSION ACT**

**BILL TO AMEND—  
DECLARATION OF PRIVATE INTEREST**

**Hon. Roméo Antonius Dallaire:** Honourable senators, pursuant to section 12 of the Conflict of Interest Code concerning declarations of private interest before the Senate or at committee, I must recuse myself from all debates, votes and other activities relating to Bill C-55 in the interest of transparency, since that bill could affect me personally as a veteran of the Canadian Armed Forces.

[English]

**The Hon. the Acting Speaker:** Honourable Senator Dallaire, your observation has been noted, and that will stand during the time this bill is under consideration.

**PATENT ACT**

**BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the second reading of Bill C-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

**Hon. Nancy Ruth:** Honourable senators, I know this item is adjourned in Senator Greene's name, but I have spoken with him, and he would be agreeable to my speaking now. I wish to be clear, though, that the 45 minutes for the critic should be his, and after my speech, we can re-adjourn the item in Senator Greene's name.

Honourable senators, I rise to speak on Bill C-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act. Bill C-393 will make it easier to get affordable medicines to developing countries, and as the previous senators have said, I urge my Senate colleagues to pass Bill C-393 as soon as possible.

As many senators are aware, Bill C-393 is similar to the bill the Senate previously studied, Bill S-232. At that time, the Standing Senate Committee on Banking, Trade and Commerce heard from experts about how the current Access to Medicines Regime is so complex that it has become unworkable. In fact, only one order of one medicine was ever shipped by one Canadian generic drug company, to one country, and that was Rwanda.

Honourable senators, Bill C-393 will streamline CAMR by permitting generic drug companies to obtain a single licence, which will allow them to supply a given drug to any of the

qualifying developing countries that are already covered by the current law and in the quantities required by these countries as their needs evolve.

The infrastructure is in place for disbursement of these drugs within Africa. The American President's budget has now flatlined, so help is needed. The African market constitutes only 2 per cent of the sales of pharmaceutical companies like Pfizer, GlaxoSmithKline, Merck, et cetera. The generic drug companies that make the generic drugs have to pay royalties to the patent holder, and the World Trade Organization permits this.

You can see how generic drug companies will facilitate economies of scale and reduce costs, making it both more viable as a business proposition and achieving the desired goal of more affordable medicines for patients in developing countries.

Honourable senators, under this new legislation, Canadian generic drugs sold to African and other developing countries can more easily be competitive with those produced by generic manufacturers elsewhere. That will mean that the international aid we give to NGOs and to such crucial initiatives as the Global Fund to Fight AIDS, Tuberculosis and Malaria will stretch much further. This is aid effectiveness and value for money in very real and concrete terms. All of this is achieved at no extra cost to the Canadian taxpayer.

This bill seeks to make functional a mechanism already unanimously endorsed by this chamber and the House of Commons when we first created Canada's Access to Medicines Regime. This is a mechanism to enable private industry to respond to an important global health need, to the credit of a country that cares about international development, as we do.

Honourable senators will remember, as well, that this regime, created pursuant to an agreement at the World Trade Organization, already requires that generic manufacturers pay royalties to the brand name drug companies on any such exports and contains safeguards to minimize the risk of exported medicines being diverted away from the intended recipients. Bill C-393 does not in any way change those requirements, and international legal experts have confirmed, including in testimony before our Banking Committee, that this bill is consistent with Canada's obligations regarding intellectual property as a member of the World Trade Organization.

In the House of Commons, a majority, 172 to 111, including 26 members of my party, the Conservative Party passed this bill. Members in the House of Commons wanted to be at the forefront of the global struggle to prevent deaths from diseases that are treatable with the right medicines.

Finally, I want you to know why this bill is so dear to my heart. Honourable senators know that I am always looking for ways to empower women and to ease the burdens carried by most of our sisters in the developing world. Honourable senators are aware that treatable diseases are undermining the health, education and well-being of girls and women in every developing country, most especially mothers and their babies. I ache for these grannies, watching their children die and then labouring to feed their grandchildren, without the drugs that would protect them.

I applaud Prime Minister Harper's initiative at the G8 summit on maternal health and child health, and the government's contribution to a new foundation focusing on the first 72 hours after birth. I welcome this bill because it complements this critically important maternal health strategy to improve the lives and health of women.

We must seize opportunities such as this legislation and not find excuses to avoid it. I urge honourable senators to join me in supporting this humanitarian legislation. It makes good business sense. It makes good public health sense. It makes good sense.

**Hon. Roméo Antonius Dallaire:** Honourable senators, I wish to speak to Bill C-393, an Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another act.

I wish to introduce my comments by describing a personal experience on the African continent, 17 years ago. During the period of one year, I was a witness to the inhumanity of humans to each other and a witness to the transformation of a country with respect to its children and their parents. In that country, the concept of orphans simply did not exist. There was always an uncle or an aunt who would take the children should the parents, for one reason or another, pass away. However, with the impact of HIV/AIDS, I saw a generation being totally wiped out. There were no grandparents left to take care of the children — which is too often the case — and these children became orphans in a country where orphanages are not even a concept, let alone a capability.

• (1630)

HIV/AIDS destroyed massive numbers of people in that country, even before human hands started to destroy it. The proliferation of that disease in that conflict through the bloodletting expanded the exposure and the number of infected people.

When we deploy in those countries where there are significant amounts of HIV/AIDS and where there is bloodletting, as there so often seems to be in the extreme scenarios that we find with these civil wars, the risk to our own troops is very high. They must operate within the context of the exceptional circumstances of so much human destruction and blood, and soldiers do not run around with rubber gloves. They are very hands-on in their operations and can cut themselves. As a result, they are often at risk in accomplishing their mission because of the risk of contracting HIV/AIDS. In fact, that is one of the injuries on the list of risk factors for our soldiers coming back from those conflicts now, particularly in those developing countries where civil war is running rampant.

[Translation]

In 2004, Parliament passed the bill known as the Jean Chrétien Pledge to Africa Act. That name may not please everyone, but that was the name given to this initiative, which created the CAMR, Canada's Access to Medicines Regime.

The stated purpose of this federal law is to help get medicines to patients in developing countries for public health purposes, including care for HIV/AIDS, tuberculosis, malaria and other epidemic diseases.

Canada's Access to Medicines Regime was passed by Parliament with unanimous support from all political parties in May 2004 and came into force in May 2005. The regulations that also form part of CAMR came into force in June 2005.

Why does CAMR need to be amended? At the moment, developing countries that want to obtain less expensive, generic versions of patented brand-name drugs from Canada must wait until a Canadian generic manufacturer, under CAMR, can get a compulsory licence for a specific quantity of medicines for a limited period.

The compulsory licence is a legal document authorizing a generic manufacturer to produce, sell or export a generic — not a brand name — version of a medicine, which is less expensive than a patented medicine, without the consent of the company that holds the patent on the original product.

Since it was established almost six years ago, the CAMR has only been used once. Therefore, it has not been a great success. NGOs have been working on this for years. NGOs are the eyes and ears of humanity. Because of their presence before, during and after conflicts, they are the voice of humanity.

In my opinion, if non-governmental organizations work together, they can significantly influence public opinion and a country's policies. We will see the result once this bill is adopted. At present, there has been only a single delivery of a single AIDS drug to just one developing country. Access to medicines is thus severely limited.

In its current form, CAMR is unlikely to be used again due to the procedural requirements it places on developing countries and generic pharmaceutical manufacturers. The process is cumbersome and doesn't fit well with how countries purchase medicines or the business considerations facing manufacturers.

This means that patients must go without affordable and available medicines. That is why reforms to streamline CAMR are being proposed, including a "one-licence solution" described more in section 12.

If CAMR is reformed, Canada's largest generic pharmaceutical manufacturer, Apotex Inc., has committed publicly that it will make a desperately needed three-in-one AIDS drug, known as a "fixed-dose combination," for children in developing countries. Currently, only a very small percentage of children with HIV have access to pediatric formulations of medicines. This makes the need for reforms even more urgent.

[English]

Of all the arguments against reforming Canada's access to medicines regime, the most threadbare is the pharmaceutical industry's claim that the current regime is working just fine. On what planet is it working? Clearly, it is not.



Since Parliament approved the regime in 2004, I must repeat that only one drug has been shipped to only one country on one occasion — Rwanda. That was after the catastrophic humanitarian disasters that we know of in that country and the exponential post-genocide pandemic.

It is possible that no legislation will be able to create the ideal conditions for a fair, competitive global market that gets Canadian drugs into the hands of poor Africans. However, at the very least, Parliament has a responsibility to make its legislation the best it can possibly be.

The idea behind the current regime was to allow generic companies to sell life-saving medicines, especially HIV/AIDS drugs, to Africa. It just did not work as intended. All parties say they support the principle that the developing world should have access to affordable medicine, but they disagree about how Canada's law should reflect that principle.

Under the current regime, a generic company must apply for a licence every time it gets a specific order from a specific country. The new bill would assure that once a company gets a licence to export a particular drug, it can export it to any eligible poor developing country. This would, at least in theory, allow generic manufacturers to take advantage of economies of scale and compete with suppliers from other countries.

Sick people in poor countries could only benefit from increased competition, lower supply costs and lower prices. I guess that is even good business.

[Translation]

In developing countries, 50 per cent of infants with HIV will not reach the age of two.

[English]

Are all humans human, or are some more human than others? Are our children more human than theirs? Are there two standards, or even more, in the levels of humanity out there, or are we all equal? Are we not all human?

[Translation]

Because they do not have access to the medications they need to prolong their lives, these children will die before reaching the age of two.

In its review of CAMR, the government said that it was not ruling out future amendments should circumstances change. Circumstances have indeed changed — for the worse. How many more people will have to face the pain of seeing their children or grandchildren die before our government decides it is the right time to amend Canada's Access to Medicines Regime?

• (1640)

As Canadians, we cannot sit quietly as we observe the situation and wait for enough data to be collected before we take action. Access to medicines is not a luxury; it is a human right. We have the technological expertise and we have a responsibility towards humanity to make it available — not necessarily for free, but certainly in a humanitarian spirit.

[ Senator Dallaire ]

Fixing CAMR is something that Canada can do to make this right a reality for sick people in developing countries, including children and adults living with HIV. We must pass this bill as quickly as possible.

[English]

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, I wish to say a few words in support of this bill. I appeal to my honourable friends opposite, in particular to my friend and fellow Nova Scotian, Senator Greene, to join with us. I speak of "us" not only on this side but for many on the other side as well. Let us allow this bill to proceed to committee without further delay.

This bill is essentially the same bill introduced by our former colleague, Senator Goldstein, which proceeded to committee. At the last session, it received six days of hearings before our Standing Senate Committee on Banking, Trade and Commerce. Many witnesses were heard and the bill was thoroughly canvassed at that time. We understand as well that a similar bill was introduced in the house. Senator Carstairs, who took up the cudgels from Senator Goldstein when he retired, decided to let her bill stand aside in favour of the bill that we now have before us.

The bill that Senator Goldstein introduced had been considered in our committee and died last year in prorogation.

This bill has received strong support from a majority of members of the other place, including a number of members of the government caucus. With respect to bills that pass the House of Commons and come here, it is not for us to decide what combination of members of the House of Commons made up the majority that passed the bill. We have an obligation as senators to receive bills from the House of Commons, to give them due consideration and to put them through the processes that we have in this place. We have no obligation to pass bills without looking, to fast-track them, to hold our noses and refuse amendments or to pass them if we feel it is inappropriate. However, we do have an obligation to consider bills in a timely fashion. If we decide that an amendment needs to be made to improve the bill, then we have the constitutional right to make those amendments and to provide that advice by way of amendment to our colleagues in the other place.

I urge honourable senators to recognize our obligation to give due and timely consideration to important bills that have received the approval of a majority of members in the other place.

Yesterday, we heard eloquent pleas from Senator Carstairs and Senator Murray that outlined the importance of this legislation to people around the world and our obligation to do what we can to help. No one is pretending that the passage of this bill will solve this or any problem overnight. However, honourable senators, the bill will go a long way to fulfilling our obligation as legislators and Canadians to do what we can to help. Today, we heard Senator Nancy Ruth and Senator Dallaire add their support and urge us to proceed as quickly as we can with this bill.

The honourable Senator Carstairs dealt effectively and persuasively with objections that had been raised in committee to various points. Some points were legitimate questions that

required careful answers; others seemed to be more by way of myth. In any event, Senator Carstairs dealt effectively with all those objections that were raised in the other place and with reference to Senator Goldstein's bill in committee.

All honourable senators have received hundreds of emails and letters in support of this legislation, urging us to pass this bill. I cannot remember having received a single message of any type registering opposition, suggesting that we should amend the bill; suggesting that we should slow it down; or suggesting that we should defeat it. There may have been some. However, if there were, I missed them. I read carefully the emails and messages that have come to me. In my recollection, every single one urged us to take quick action in support of this bill.

We understand this bill stands in Senator Greene's name. I urge him to speak tomorrow on this bill. He is the critic for the government. I look forward to hearing his views. However, with all the talk in the air that the life of this Parliament may be short-lived, we have an obligation to ensure that this bill does not die on the Order Paper. We must take advantage of the time that remains to us this week.

Senator Greene might speak tomorrow and we would have an opportunity then to send the bill to committee. If the committee feels it needs to have further study after already having had six days of study of the previous iteration of this bill, they will have time to have those hearings, hear those witnesses and allow the bill to come back. Here, we can vote on it, pass it and it can receive Royal Assent before the end of the week.

(On motion of Senator Greene, debate adjourned.)

[Translation]

## NATIONAL HOLOCAUST MONUMENT BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Boisvenu, for the second reading of Bill C-442, An Act to establish a National Holocaust Monument.

**Hon. Joan Fraser:** Honourable senators, first of all, I would like to say that I strongly support this bill. This bill, or one of its predecessors, should have been passed years ago. But here we are. Even though it is overdue, it is better late than never.

I support this bill for three main reasons.

[English]

The first reason is that the Holocaust is unique. The Holocaust is far from being the only example of man's mass inhumanity. We need think only of Ukraine, Cambodia or Rwanda. There are too many examples of our capacity for inhumanity. The new Canadian Museum for Human Rights in Winnipeg will help to teach all Canadians what we need to know.

The uniqueness of the Holocaust, therefore, lies not so much in its savagery as in the degree to which, over long years, the apparatus of one of the world's most civilized countries was devoted to the extermination of an entire people, the Jews, as well as a stunning range of other people such as gypsies, the handicapped and homosexuals. The murder was committed on such a vast and systematic scale that it almost defies belief. The Nazis ran scientific experiments to devise and use what Winston Churchill called perverted science to perfect an industrial system of mass murder. Those who wish to learn can do well by consulting, for example, the magisterial books by Richard J. Evans on the history of the Third Reich. In reading those or other books, you will learn where the unique horror of the Holocaust lies.

• (1650)

John Donne said, "Every man's death diminishes me . . ."

These millions of deaths diminished the world, including Canada.

We know that after the war, and in the ensuing decades, many thousands of the survivors came to Canada. Many of them came to my own city. Canada took in more of the refugees after the war, I believe, than any other country, except the United States and Israel.

We owe it to all those who came here with renewed hope, as well as to the millions who died, to acknowledge, in Canada's capital, in a public and permanent way, the unimaginable atrocities that we have come to call the Holocaust.

The second reason, honourable senators, I support this bill is because in any murder there are two parties. There is the victim, but there is also the murderer, and, in this case, the many murderers. We need this monument not only to honour the victims but also to remember the fact that horrors of this kind can be perpetrated even in the most civilized societies. No country is immune. The dark corners of the human soul exist everywhere. That is why we must be vigilant to ensure that they do not come out of the shadows and triumph again.

The third reason for my support of this bill is that Canada has its own inglorious chapter in the Holocaust. Not the worst, but it is our own and it is a stain on our history.

Many of you will have read the devastating book by Irving Abella and Harold Troper about the way that Canada behaved when Jewish refugees from Germany and the other countries the Nazis took over were trying desperately to come here. The book begins:

To the condemned Jews of Auschwitz, Canada had a special meaning. It was the name given to the camp barracks where the food, clothes, gold, diamonds, jewellery and other goods taken from prisoners were stored. It represented life, luxury and salvation; it was a Garden of Eden in Hell; it was also unreachable.

The fact is that all through the Hitler years, Canada systematically refused entry to Jewish refugees. Everybody knows the story of the ship *St. Louis*, with its 900-odd Jewish



refugees who were turned away from this country in 1939 to go back to face the horrors that awaited them in Europe. There were many others who tried to get here. The powers that be in this country did everything imaginable to resist taking them in, even turning away as small a group as 20 teenagers.

This policy was not an oversight. It was decided at the highest levels of the bureaucracy and confirmed in repeated cabinet meetings. These decisions were taken here in Ottawa, many of them here on Parliament Hill.

No western country was particularly welcoming to the Jews in those years, but we were among the worst. From 1933 to 1945, we took in fewer than 5,000 Jewish refugees.

Our leaders knew what they were doing. In 1938, the senior bureaucrat in charge of immigration acknowledged in writing that the Jews of Europe faced "virtual extinction," but he did not think that was any reason to change our policy. Oh, no.

After the war, Georges Vanier, the distinguished diplomat who later became our Governor General, visited the camps. He said, in a broadcast on the CBC, "How deaf we were then to cruelty and the cries of pain which came to our ears . . ."

Honourable senators, it was actually in 1945, close to the end of the war, when we knew what had been happening to the Jews of Europe, that someone asked a senior bureaucrat how many Jews should be admitted to Canada after the war—how many of these desperate survivors should be admitted. The bureaucrat said, "None is too many."

That was where Irving Abella got the devastating title for his book. We opened our doors, grudgingly at first, only in 1947 or 1948.

Since then, many thousands have come to this country to build new lives and new hope. We now pride ourselves on being an open society. We have welcomed Hungarian refugees and the boat people and so many others. Our Charter of Rights and Freedoms has become part of our bedrock, part of our identity. Still, memory matters. History matters.

In her speech on this bill, Senator Martin reminded us that the word "monument" comes from the Latin *monere*, to remind or warn. That is why we need a Holocaust memorial here, in the capital of this country, to remind us of what happened and to warn us against ever letting it happen again.

Honourable senators, I urge you to support this bill and to give it rapid passage.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

[ Senator Fraser ]

## REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Martin, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

## SUPREME COURT ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Rivest, for the second reading of Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages).

**Hon. Michael A. Meighen:** Honourable senators, I rise to add my name to the long lives of those who, while unreservedly supporting the intent of Bill C-232, nonetheless have profound reservations with its consequences, even if unintended.

[Translation]

Before I go on, I want to thank Senator Carignan in particular for giving us a wise and thorough critique of the bill from a legal and technical perspective. I also want to pay tribute to all my colleagues—around 20 so far, if I am not mistaken—who have contributed to this debate in the purest tradition of this chamber.

My intention, this afternoon, is to focus on the practical aspects of the proposed measures and on possible unfortunate and unintentional consequences such as decreasing the legal resources available to the Supreme Court of Canada.

Honourable senators, I look at Bill C-232 from the point of view of someone who has practiced law in both of Canada's official languages, who received his degree in civil law from Laval University in Quebec City, became a member of the Barreau du Quebec and the Law Society of Upper Canada, and practiced both common law and civil law before the courts of Quebec and Ontario.

• (1700)

Moreover, I have always been a strong defender of the bilingual ideal, one of the cornerstones of the Canadian identity. I am also convinced of the need to promote the bilingual character of our federal government institutions, including the Supreme Court.

[English]

Nevertheless, as we examine the bill before us and consider the measures that should be deployed to secure institutional bilingualism, it seems to me it would be deeply problematic if we were to be insensitive to a very practical reality: The drastically varying levels of bilingual capacity that continue to exist in Canada's legal and judicial community, not to mention across the country as a whole.

Honourable senators, in terms of Bill C-232, this speaks not only to the tightening of the entry point requirements for those who have the potential to serve on the Supreme Court, thereby skewing the depth of the talent pool of potential candidates for this institution along regional lines, but also to the introduction of a new impairment in terms of the day-to-day functioning of the Supreme Court because of this amendment's all-or-nothing approach to interpretation.

The Canadian Bar Association, which initially adopted a neutral position on Bill C-232, has now come out in opposition to the bill. Even in its initial neutral position, which was expressed prior to the passage of a resolution in August of last year calling on Parliament to abandon Bill C-232 in favour of a different option, it stated:

Appointments to the Supreme Court of Canada are more complex than supporting or opposing Bill C-232. The CBA advocates appointments to the Supreme Court of Canada based solely on merit, and ultimately representative of the diversity of society as a whole. The CBA adds that bilingualism is one significant aspect of merit in selecting candidates for appointment to the Supreme Court. Other qualities include high moral character, human qualities such as sympathy, generosity, charity and patience, experience in the law, intellectual and judgmental ability, good health and good work habits.

The CBA recommends that an adequate number of bilingual judges be in place at all levels of court to ensure access to justice to all the people of Canada. The CBA also urges governments to reflect better the recognition of Indigenous legal systems in judicial appointments.

As to the subsequent resolution passed at the annual general meeting of the CBA last August, it confirmed the Canadian Bar Association's support for the institutional bilingualism at the Supreme Court of Canada. At the same time, however, it rejected Bill C-232 on the basis that it would effectively bar otherwise qualified unilingual judges at the time of their appointment, and I stress at the time of their appointment.

In rejecting the notion that perfect bilingualism should be used as an essential entry point criterion, the resolution nonetheless articulated the view that a Supreme Court composed of judges who understand both official languages is "an ultimate ideal." It stated:

... that bilingualism is an important element of merit for judicial appointment, and that governments must appoint an adequate number of bilingual judges in all courts to ensure equal access to justice for litigants in the official language of their choice.

Further, the CBA resolution stressed:

... the importance of the principle of institutional bilingualism pursuant to which the Supreme Court of Canada must provide for the right of each litigant to be heard by judges who can understand the litigant in the

official language of the litigant's choice, without the aid of an interpreter and in accordance with subsection 19(1) of the *Charter*;

The CBA resolution then proposed amending section 16(1) of the Official Languages Act so that Supreme Court justices who are not perfectly bilingual or who have need of an interpreter in either language would not be able to hear cases in the language with which they are not perfectly proficient.

Honourable senators, it seems to me that the compromise that the CBA has proposed for tweaking the Supreme Court's current institutional bilingual character needs some thorough examination and study, especially since it would effectively mean that some cases before the Supreme Court would be heard by fewer judges than is presently the case. This is indeed a suggestion that the committee to which this bill is referred should study very carefully.

Honourable senators, it also has to be said that the CBA's thoughtful acknowledgement of both the complexity and necessity of choosing Supreme Court justices from all parts of the country — while at the same time ensuring the Supreme Court's institutional bilingual character — forcefully poses questions about the rigidity and practicality of Bill C-232.

Clearly, the regime contemplated by Bill C-232 whereby potential Supreme Court judges would have to demonstrate that they could understand court proceedings without recourse to interpreters would entail language testing of some sort for these nominees. As The Advocates' Society, an organization that has promoted independent and professional legal advocacy within Canada's legal and judicial community since 1965, has pointed out that Bill C-232:

... fails to provide any basis on which a candidate may be considered to be "bilingual without the use of an interpreter". How that linguistic ability will be determined, and by whom, is not clear. Testing of some kind would be required. Such testing could seriously undermine both the selection process and the independence of the judiciary.

Senator Segal summed up this point very well when he discussed the problems associated with the testing of potential Supreme Court nominees for linguistic competence. He did so in his very excellent speech on May 13, 2010.

Honourable senators, we must be clear about what we are considering. Bill C-232 calls for the understanding of both official languages without the need and aid of an interpreter. Obviously, it goes farther than what Mr. Ignatieff said when he defended his party's support for this bill by saying that Canadians who aspire to serve on the Supreme Court might want to learn "a little French."

[Translation]

But learning a little French means, and this is not obvious from the Liberal leader's comments, that if this bill were passed, Supreme Court justices would—each at different levels—understand the deliberations being held in their second language, compared to the current situation in which they



understand perfectly, thanks to the interpretation provided by recognized experts, who know legal terminology — which is often very mysterious — in both official languages, both in common law and in civil law.

Look at what Lysiane Gagnon, respected columnist at *The Globe and Mail* wrote:

[English]

The Supreme Court has fine legal translators, and its decisions can be read in both languages. As for the so-called right of citizens to be directly understood in their native language by all the members of a Supreme Court panel, this is bogus. There is not a high-level tribunal in the world that goes by such a rule, neither at the UN nor at The Hague or the European Union. That's what interpreters are for. Lower courts should accommodate, when possible, the desire of the accused to be tried in his native language, but the Supreme Court is an appellate court that studies written material and where most representations are made by lawyers. In any case, the matters that land in front of the Supreme Court are so complex that the level of bilingualism required would have to be extraordinarily high — to a degree that a large majority of functionally bilingual people can never reach.

Honourable senators, I consider myself to be functionally bilingual. Nonetheless, if I were a Supreme Court judge, I would certainly want the option of simultaneous interpretation. Access to experts and simultaneous interpretation, where the interpreters are well-versed in the legal terminology of both languages, very much serve as safety nets in assisting judges during their deliberations.

To quote again from The Advocates' Society's letter on Bill C-232:

A blanket requirement of bilingualism as proposed by the Amendment ignores the complexity of the legal terminology used in both common law and civil law; although one may be considered to be fluently bilingual in the Official Languages, unless one has practiced law in the language and in the system of law in question, the terms of art used will be foreign to that jurist. It is for this reason that today, although the majority of the Supreme Court of Canada is considered to be bilingual, the judges nevertheless from time to time use the resources of a translator when hearing oral submissions. The use of a translator familiar with the legal terms of art ensures that the nuances associated with such terms are picked up in translation. The only way to address this issue would be to insist that all candidates for appointment be fully conversant in the legal diction in both Official Languages, which would further reduce the pool of eligible candidates.

• (1710)

Considering the stature, abilities and contributions of some of the judges, both past and present, who would have been eliminated from consideration for the Supreme Court if the all-or-nothing rigidity of Bill C-232's approach to justices operating in their second language were in place, I personally am not

comfortable with the inevitable narrowing or flattening of legal expertise available to Canada's top court that would result. I am also not comfortable with the effect that Bill C-232 could have on the pluralism of the Supreme Court.

Many of these and associated questions were addressed eloquently by former Justice Minister and Governor General, the late Ramon Hnatyshyn, back in 1998, when he spoke to official languages legislation brought in by the then Progressive Conservative government of Prime Minister Mulroney.

First, the 1988 amendments to the Official Languages Act made a distinction between legislating "institutional" bilingualism — which the 1988 amendments supported — and requiring "individual" bilingualism. Minister Hnatyshyn elaborated on the requirement of federal institutions and, indeed, his government's underlying philosophy toward ensuring and promoting institutional bilingualism, when he stated in testimony before a committee of the House of Commons:

These institutional duties ensure that the Act's focus continues to remain on institutional bilingualism in fulfilling the requirements which flow from, or correspond to, the constitutional rights. The duties are not borne directly by individual officers and by employees, but rather by the institution itself.

As it applies to federal courts and tribunals, Minister Hnatyshyn specified that this did not require all judges to be bilingual, only that federal courts and tribunals, other, of course, than the Supreme Court, "arrange the assignment of their cases to ensure that Canadians are being heard by a judge that will understand without interpretation."

Second, alluding to the need not to limit or exclude candidates to the Supreme Court based on what province or region they come from — and he singled out the province of Quebec when he made his argument — the former Justice Minister and Governor General stated:

To impose the requirement that judges of the Supreme Court of Canada be bilingual may in fact infringe on their individual constitutional rights to be a member of the court, even though they speak one of the official languages.

He went on to cite the *Blaikie* case, referencing the fact that "individual judges enjoy the right to choose their preferred language under section 133 of the Constitution Act."

**The Hon. the Speaker:** The honourable senator's time has expired.

**Senator Meighen:** May I have five minutes?

**The Hon. the Speaker:** Is it agreed?

**Hon. Senators:** Agreed.

**Senator Meighen:** Minister Hnatyshyn further stated:

... while I do not think we can fetter the right of individual judges, but we can impose an administrative duty upon a court to provide for the hearing of litigants in their own language.

[ Senator Meighen ]

Finally, as alluded to by Senator McCoy in her speech, the former justice minister asserted that the Supreme Court is “the court that deals with questions of law, almost entirely with respect to interpretation of law; it is not a question where the accused comes forward at a trial level . . .”

[Translation]

Honourable senators, from the late Minister Hnatyshyn’s testimony — and I would invite all senators to reread it — I gained a more nuanced understanding of the need to balance judges’ individual rights with the institutional responsibilities of the courts and tribunals in a country where two mother tongues are spoken and understood to extremely varying degrees across the country.

In addition, I would go so far as to say that the government at the time paid particular attention to the fact that the Supreme Court of Canada is a qualitatively unique institution in our country. This does not mean that Supreme Court judges or those who want to be Supreme Court judges should not develop the ability to work in a bilingual or bijural environment. On the contrary, they should and they do but, as the Canadian Bar Association and others have said, we cannot let these qualifications take precedence over other qualifications sought for judges of the Supreme Court — former, current and future judges.

Honourable senators, we must not lose sight of the fact that Canada is making enormous progress in promoting bilingualism in federal institutions, despite the fact that the public’s level of bilingualism has not risen as rapidly as we would have liked.

For example, today, those aspiring to the top positions in federal politics must be bilingual. This was clearly not always the case in the past and this is not a result of legislative measures but of gradual changes to our political conventions.

We must also keep in mind that the underlying public policy principle of Bill C-232 is not simply that we need bilingual Supreme Court judges — an objective that I, like many other opponents of Bill C-232, believe is highly desirable and that we are close to achieving — but also that we have to legislate this requirement and ensure that it is enforced.

Clearly, obeying such a rigorous legislative requirement to the letter would eliminate all flexibility. And, I would like to remind the honourable senators that flexibility is a typically Canadian trait that has served our country well in the past in the establishment and development of our public and private institutions.

[English]

Honourable senators, we have to keep in mind some very real facts about Canada’s linguistic makeup and geographic complexity as we consider the matter before us. As the *National Post* editorialized on April 20, 2010:

According to the last census, 42% of francophones claim fluency in both official languages, while just under 10% of anglophones do. But only tiny fractions of both bilingual populations would ever be fluent enough to make it to the court.

In view of the reality represented by such statistics, I feel it has to be put on the record that the conventions and legislative requirements that currently govern the Supreme Court’s functioning and appointment process are remarkably successful and effective. In fact, considering the high level of bilingualism, both of the institutional and individual variety, which currently exists within the Supreme Court, not to mention its reputation for excellence and independence, these conventions and legislative requirements are in the finest and most pragmatic of Canadian traditions. Set against the backdrop of these tried and tested approaches, Bill C-232 appears to be a solution in search of a problem; or, viewed another way, if Bill C-232 were to become the law of the land, I have no doubt that it would create new and more serious problems.

Honourable senators, reading the speeches that have been delivered here in the Senate and in the other place, I firmly believe that the proponents of Bill C-232 have not made the case that a grave injustice is being promoted by leaving things the way they are. In fact, by potentially eroding the safety net provided by interpreters and interpretation, and by imposing a rigid one-size-fits-all requirement, this bill would introduce complications for the effectiveness, independence, and representativeness of such a unique and revered institution.

Honourable senators, this has not been an easy decision for me. My instincts are totally aligned with the goals of Bill C-232. I personally feel that all members of the Supreme Court should be, ideally, fully competent both bilingually and bi-juridically. That is the objective. That is the goal. However, I am also leery of the unforgiving scenario that Bill C-232 would create in pursuit of this goal. Our laws should never serve as talismans of inflexibility.

**The Hon. the Speaker:** Continuing debate?

**Senator Jaffer:** May I ask a question?

**The Hon. the Speaker:** I am afraid the honourable senator’s time has expired, including the extra five minutes.

**Hon. Bob Runciman:** Honourable senators, at the outset, I must tell you that I share the sentiments expressed earlier in this debate by my colleague Senator MacDonald. I take no pleasure in participating in the debate over Bill C-232.

Language is a sensitive matter in Canada, and it is a dangerous game to use it as a wedge to pit region against region. It is unfortunate that the opposition coalition is apparently so willing to use language to divide Canadians in this way.

It is a sad day when that once great party, the Liberal Party, would support such an obviously flawed piece of legislation and tamper with one of the great institutions of Canada, the Supreme Court.

• (1720)

The independence of the judiciary is a cornerstone of all mature democracies. An equally fundamental convention is that the judiciary should not be put into disrepute, particularly by the



legislative branch of government. It is essential that citizens have confidence in their judiciary, but Bill C-232 comes close to calling into disrepute the highest court in the land. This bill, by implication, says that justice is not delivered if our Supreme Court justices cannot understand arguments without the assistance of an interpreter.

Do not take my word for it. Instead, remember the words of the bill's sponsor in this chamber, Senator Tardif, who, on April 20, 2010, said of Bill C-232:

Its purpose is to correct an injustice faced by parties whose cases are heard by the highest court in the land.

"An injustice" were her words, not mine.

The bill's sponsor in the other place, Yvon Godin, said in his speech at second reading:

Each party must be able to be heard in conditions that do not put him or her at a disadvantage compared to the opposing party. That is the purpose of my bill.

"At a disadvantage," are his words, not mine.

Senator Tardif and Mr. Godin are calling into question all the decisions made by that great institution where one or more justices relied on interpretation. The court's past decisions are, at best, suspect, and, at worst, unjust, if we adopt such an argument. The Supreme Court is not fair, they say. One party is at a disadvantage.

Parliament's passage of Bill C-232 would be an acceptance of this argument and a confirmation that unilingual judges are not competent, which of course calls into question not only decisions of the Supreme Court of Canada, but of lower courts as well.

If Parliament passes this bill, what happens to the current members of the Supreme Court? Will they have to take a fluency test to assess their competency in both official languages? After all, the reason for supporting this bill is that Parliament accepts the proposition that only fluently bilingual judges can render competent judgments.

Should it not follow that the court cease all hearings until a language competency test is administered? What happens to an existing judge who fails or refuses to take the test? What is the status, not to mention the perception, of all past rulings of the Supreme Court?

If we accept that professional interpretation is not adequate, do we not discredit all rulings where such interpretation was used?

None of this argument is far-fetched. This bill does, in fact, question the competence of unilingual judges to render fair judgment. It does assert that professional interpretation is unacceptable. If senators opposite argue that the bill does not go this far, then why are we even considering it?

Supporters of this bill tell us that interpretation has the potential to miss the subtleties and nuance of an argument. Senator Tardif referred to the "limits and gaps" and "greater

margin of error" created by interpretation, with the result that, in her words, "a counsel's case could be significantly damaged."

In other words, Senator Tardif has little faith in interpretation. I suggest, honourable senators, that there is a far greater chance that the subtleties and nuance of an argument will be missed by judges who will not have language skills to match those of some of the best trained and most competent interpreters in the world.

The possibility of error, and damage to a counsel's case, is likely to increase if this bill is passed, to say nothing of the inevitable weakening of the court — as Senator Meighen referenced — through the drastic reduction of the talent pool from which justices can be drawn. Only a small proportion of Canadians outside Quebec and New Brunswick are fluent in both official languages.

In my province of Ontario, according to the 2006 Census, only 11 per cent of residents are bilingual. I suspect this statistic overstates the numbers substantially.

The census asks:

Can this person speak English or French well enough to conduct a conversation?

That might make one bilingual in some eyes, but it is by no means the degree of fluency required to consider arguments in the Supreme Court of Canada. Otherwise, one might miss the subtleties and nuance of the arguments.

This legislation tells all but a minority of jurists outside of Quebec and New Brunswick they have no hope of rising to the top of their profession. We do not want them, no matter how great their legal expertise. They are not qualified.

This message would have been delivered to Chief Justice Beverley McLachlin if this legislation had been in place prior to her appointment to the Supreme Court in 1989. It would have been the same message to two thirds of the current sitting justices, according to former Supreme Court Justice John Major. The court would have been the weaker for it, just as it will be a weaker court if this bill is allowed to pass.

That is why the Canadian Bar Association passed a resolution last summer opposing the bill. The bill reduces the talent pool by allowing linguistic ability to trump legal expertise.

I will return to the political dimension of this bill. I noted at the outset that debates such as this one tend to inflame and divide Canadians rather than unite them.

Honourable senators, there are times when legislators need to act for the greater good, despite the risk of reopening old wounds. This is not one of those times. This bill is a bad bill. It is not worth it. It will weaken the Supreme Court. It will foster regional grievances, in particular sending a signal to our friends in Western Canada that the national political establishment is out of touch with much of the country.

Why pass this bill? I can understand the hypocrisy of the Bloc Québécois. I know why they supported this bill. The separatists will seize on any opportunity to create chaos in Canadian

society. They want to provoke intolerance to further their project of breaking up this great country. The politics of division is their stock in trade. This bill, whether well-intentioned or not, is like manna from heaven for the Bloc.

What of the Liberals? I have to question whether it is naïveté or cynicism that has driven Michael Ignatieff into the arms of the separatists to pass this bill through the other place. It is difficult to conceive why Mr. Ignatieff would whip his caucus to support an NDP private member's bill that damages one of the country's great institutions. What crass calculation drove the Liberals to back a bill that panders to our worst fears by telling us that we will not receive a fair break from someone who does not speak our language?

I have been around politics long enough to know that preparing traps and employing wedge issues is part of the game, but we have to be somewhat responsible. We owe it to our country not to tear down our institutions in our quest for power.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Will Senator Runciman will accept a question?

**Senator Runciman:** I will do my best.

**Senator Comeau:** We have judges who sit on the Supreme Court at the present time. If this bill were to become law, would these judges have to undergo testing? This bill says, henceforth judges of the Supreme Court of Canada will have to have a certain level of competence. It does not say what level, so someone will have to do some testing.

What happens if a number of the judges currently sitting at the Supreme Court do not measure up to the competency test that will be administered to them? Will we need some kind of other bill at that point because judges will not measure up to this competency test? This bill will be the law of the land, if it passes. How will these judges be removed? I have not given any test to these judges, but it has been said that a number of these judges would not measure up to the level of competency that is being demanded by this bill. What would happen then? How would they be kicked out of the Supreme Court?

**Senator Runciman:** That is a tough question for me to answer. I am not a constitutional lawyer, but I assume any judge being removed from office at the federal level would require an act of Parliament. I assume that this competency test would be structured something like the federal civil service, where they require a certain level of fluency. They give an individual a number of opportunities to reach the level required in whatever role they are serving in. I think it would create a constitutional crisis if that situation were ever to arise.

• (1730)

**Senator Comeau:** In response, the honourable senator states that the civil service has a number of competency tests they offer to civil servants. However, this bill does not provide for those tests. Those competency tests to which the honourable senator refers are administered under the Official Languages Act, which has provisions for protection and training, and provisions respecting the language rights of these individuals. This bill in

no way provides for any of the measures that are covered now under institutional bilingualism, which is what Canada adopted years ago. What this bill proposes is individual bilingualism so there is no provision whatsoever providing any kind of these tests or such protections.

**Senator Banks:** Is this a speech?

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Would the honourable senator entertain a question?

**Senator Runciman:** Yes.

**Senator Tardif:** The honourable senator's strong views opposing bilingualism in French language services are well-known and well-documented. However, I know that my honourable colleague is also a fair and equitable person.

Would the honourable senator then not agree that the law is there to serve citizens and not those who aspire to the Supreme Court bench?

**Senator Runciman:** At the outset, I must express concern with the honourable senator's introduction with respect to my opposition to French language services being well known. Certain things occurred in my hometown many years ago that stained the community. My connection to those things and whatever rationale the honourable senator feels she has to raise that kind of issue in this place, I think, is unfortunate at best. On that basis, I do not think I will pursue the remainder of that question any further. I think it is quite offensive.

**Senator Mockler:** Absolutely.

**Some Hon. Senators:** Hear, hear.

**Hon. Joan Fraser:** Would the Honourable Senator Runciman take another question?

**Senator Runciman:** Yes.

**Senator Fraser:** I have the privilege of working with Senator Runciman on the Standing Senate Committee on Legal and Constitutional Affairs, so I am interested, of course, in what he has to say, particularly given his long experience in government, at Queen's Park as well as here.

I was particularly struck, as I have been with a number of his colleagues, by their remarks indicating absolute faith — I think I have even gone so far as to call it touching faith — in interpreters. Let me say again, as I say every time I raise this point, that I have greater respect than I can describe for the work that interpreters do. I could not do it, and I do not know how they do. However, they are human.

I think Senator Runciman was present at the Standing Senate Committee on Legal and Constitutional Affairs yesterday when we had an example of the kind of difficulty that can arise. We were having a discussion involving "retroactive" legislation versus "retrospective" legislation versus neither of those. All the lawyers here will know that there is a significant difference between retroactive and retrospective legislation. We discovered, thanks to Senator Carignan, that the interpreters, in all good faith, were



translating, from English into French in this case, the word “retrospective” as “rétroactive,” which means “retroactive,” not “retrospective,” thereby distorting the whole argument.

Now, if something like that error had occurred in the Supreme Court of Canada without a Senator Carignan to catch it, would that not have raised the possibility, particularly in a closely reasoned decision, that a decision of that court might be based on less than full understanding of the arguments that have been presented to it?

**Senator Runciman:** There is no question, in that case, that error would always be possible. The bottom line was that it was caught. The reality is that we had a number of fluently bilingual francophone members on the committee who did not catch it. I think that is not a valid argument. I think we have, as I had mentioned in my comments, probably the best interpreters in the Supreme Court, and I think we can have confidence in them occasionally. There is no question that an error can be made, but an error can be made by someone who is as fluently bilingual as the honourable senator herself or as fluently bilingual as other members of the committee.

**Senator Meighen:** Even more than that.

**Senator Fraser:** Easily.

**Senator Runciman:** That happens and we know it happens, so I do not think that is justification for this kind of legislation at all.

**Senator Jaffer:** Honourable senators, may I ask a question?

**The Hon. the Speaker:** I am afraid that Honourable Senator Runciman's time has expired. The Honourable Senator Wallace, on debate.

**Hon. John D. Wallace:** Honourable senators, I am pleased to have the opportunity to provide you with my thoughts and comments regarding Bill C-232. Being from New Brunswick, the bill has a particular focus for me and I know other members from our province, being the only official bilingual province in the country.

As I read the bill and thought about its implications, I know we all feel that tug that we are supportive — certainly I am supportive — of bilingualism and the fact that official bilingualism should and must be recognized in our federal institutions but on the other hand, there are the individual rights that citizens have, the equality of rights, privileges and freedoms as they relate to the two official languages of our country. It is that push-pull between those two issues that I struggled with somewhat in considering Bill C-232.

My conclusion is that I cannot support the bill. There are a number of reasons why, and I will present those reasons to honourable senators, but I do not believe the bill represents that appropriate balance between the institutional issues as they relate to bilingualism and individual rights and freedoms.

As I say, in New Brunswick we have had a long history, longer than most, in dealing with bilingualism. It has not always been a smooth experience, but today it is a source of great pride for us and for all New Brunswickers. To a large extent, it has come as a

result of the leadership we have had in our province going back to the days of Premier Robichaud, Premier Hatfield, Premier McKenna, Premier Lord and so on. It is an issue that we are familiar with in my province.

In New Brunswick, the consequence of Bill C-232 is something that we do not see in our courts. We do not have the equivalent of Bill C-232 in the courts of New Brunswick, again the only officially bilingual province in Canada.

The first specific point I want to address is Bill C-232 itself, the wording of it as to what it purports to do and what seems to be its objective.

The bill is short, as I am sure honourable senators are all aware. It reads:

In addition, any person referred to in subsection (1) may be appointed a judge who understands French and English without the assistance of an interpreter.

I will get to that provision in a moment.

I have concerns with the language used in the bill. Beyond that, as to what it means, what its objective is, what it would result in, to a large extent I am guided by the views that I have heard from the sponsor, the Honourable Senator Tardif, and other proponents of the bill.

I think I am stating the obvious, but it is important to do so. The consequence of Bill C-232 is that unilingual French and English Canadians no longer would be eligible for consideration for appointment to the Supreme Court; that is, Canadians who are able to understand only one of the two official languages. Obviously, that consequence is serious and one that is unprecedented in the 144 years of our history. This bill would be the first time that has been proposed to happen.

As I mentioned, there is this issue of the balance between the institutional requirement in Canada for our federal institutions to provide bilingual services and also the right to protect individual rights, freedoms and privileges of all Canadians as they relate to these linguistic rights and the equality of our two official languages.

I want to speak to both those issues now, if honourable senators will bear with me, which are, on the one hand, the institutional requirement to provide bilingual services and, on the other, the individual rights requirement.

• (1740)

Some of this is tedious honourable senators, but it is important to get it on the record. These are not just thoughts off the top of our heads, and we must look at what our laws, Charter and Constitution say about these two important issues with respect to balance.

Of course, these issues are relevant to not only the Supreme Court and other federal courts as institutions but also, equally, to Parliament. These same issues are equally applicable to the proceedings in this chamber, in the House of Commons and in the Supreme Court. We must keep that in mind.

I will paraphrase some of the acts that relate to individual bilingualism. First is section 133 of the Constitution Act, 1867, which provides that either the French or the English language may be used by any person in Parliament, and then continues that either of those languages may be used by any person in any pleading or issue before any court of Canada. That is either language, and any court of Canada would include the Supreme Court.

The other issue is protected linguistic rights, namely, the equality of rights for French- and English-speaking Canadians and the need to maintain that balance. I say this to you in the context of the application of Bill C-232. The individuals that I am thinking of are the judges of the Supreme Court and individuals who would otherwise be eligible for consideration for appointment as the requirements now exist.

The statutory authority that provides for the protection of individual rights, freedoms and privileges, and linguistic rights, freedoms and privileges is again the Constitution Act, 1867, section 133, to which I just referred. It is also included within the Charter of Rights and Freedoms, section 16(1), 17(1) and 19(1).

In the Official Languages Act, those references appear in the fifth and sixth recitals, in section 34 of the act. I will paraphrase section 39(1) of the Official Languages Act, which states that the Government of Canada is committed to ensuring that English-speaking Canadians and French-speaking Canadians, without regard to their first language learned, have equal opportunities to employment and advancement in federal institutions. Again, think of that in the circumstance of Supreme Court judges and those who would be considered for that position. I would suggest to honourable senators "persons" certainly includes judges.

Similarly, section 39(2) of the Official Languages Act, in the context of the Supreme Court issue, states that the Government of Canada, with respect to federal institutions, shall ensure open to both English- and French-speaking Canadians for the purposes of appointment and advancement of employees in those institutions. The intent in the Official Languages Act is clear.

I would like to provide you with background information. Most honourable senators may be aware of it, but it is important to understand the basis that I am proceeding from in presenting this to you. This is background information about the Supreme Court itself and the appointment criteria used for those elevated to that position.

Obviously, the Supreme Court is a vitally important institution in this country. It is the highest court in the land. It is the court of last resort. It is the final institution in which matters will be litigated and determined. Obviously, it is critically important.

The reference to the Supreme Court is enshrined in our Constitution. It is found, for example, in sections 41(d) and 42(1)(d) of the 1982 Constitution. It is enshrined in the Constitution.

Appeals to the Supreme Court are not automatic. As honourable senators may be aware, it takes leave to appeal. Most applications for leave are not approved. It is the rare cases

that make it to the Supreme Court. Generally, witnesses do not appear before the Supreme Court, except in the rarest of cases. Evidence is presented by way of written factums presented in advance of the actual hearing. The issues determined by the Supreme Court are of the highest of importance. They are, in many cases, issues of national importance. Generally, the Supreme Court will not hear matters that would be limited in scope only to the issues of the parties before them; they look for cases that would have broader application.

Because of that, it is obvious that having the absolute best of the best — the highest calibre persons available — to sit in the Supreme Court is absolutely essential. I do not think any of us would doubt that. It must be the best of the best in terms of legal expertise and qualification.

There is also the fact that the Supreme Court is representative of regional considerations, and each of the provinces and regions want continued assurance that the best of their best will be considered for appointment.

Honourable senators, the appointment criteria present is included in the Supreme Court Act. There are currently nine judges of the Supreme Court, and those that may be considered for appointment are either judges of a Superior Court of a province or barristers of 10 years standing. The requirement is for three justices from Quebec. The issue of regional representation is extremely important in the Supreme Court and it is assured through constitutional convention or practice. You will not find that requirement written in the Supreme Court Act. The result of that constitutional convention means that, today, there are three justices from Western Canada, three from Ontario, one from the Atlantic region and three from Quebec. There is a good representation across the country. As we know, in this country, there are different perspectives from region to region. The Supreme Court must reflect those perspectives.

Honourable senators, aside from the requirements of the Supreme Court Act that have been referred to by many others, the issue of merit is paramount in the appointment of a Supreme Court justice. By "merit," I am referring to individuals with the highest legal expertise and competence, highest distinction, highest quality — the best of the very best. As Senator Meighen pointed out, other issues are to be considered, considering the characteristics of individuals. Certainly, the bilingual capability of those who would be considered is a highly relevant and important consideration. However, it is not the ultimate determining factor. Legal competence is paramount.

Honourable senators, when I consider that and examine Bill C-232, I cannot conclude that we can have the best assurance that the best of the best would be appointed to the Supreme Court as a result of Bill C-232. As has been pointed out by others, the pool from which legal talent could be drawn will be drastically reduced. There is a wide disparity in bilingual capability across the country and, as we know, the provinces are a feeder system to the Supreme Court. Those that are considered originate from the bench and from the bar of those provinces.



Honourable senators, I would like to refer to a comment that Senator Tardif made on April 20, 2010, in her presentation to this chamber regarding Bill C-232. At page 344, Senator Tardif said the following:

Bill C-232 does not exclude potential candidates for appointment to the Supreme Court of Canada. The concern that there is an insufficient number of qualified candidates is unfounded. In fact, more and more qualified bilingual lawyers aspire to be appointed to the bench.

Given the already large and growing number of highly skilled and capable bilingual lawyers across the country, regional representation will continue to be respected and considered in the selection of Supreme Court judges.

• (1750)

Honourable senators, Bill C-232 clearly would exclude potential candidates. It would exclude unilingual English- and French-speaking candidates, so nothing has been presented to support that exclusion.

I suggest, with all due respect, that the onus is clearly on the sponsor and the proponents to support that position.

**The Hon. the Speaker:** Is the honourable senator asking for an extension?

**Senator Wallace:** Yes, thank you.

**Senator Comeau:** Yes, 10 minutes.

**Some Hon. Senators:** Agreed.

**Senator Wallace:** The only information we have in that regard is provided by Senator Carignan, who gave us information that 17 per cent of the population of Canada is bilingual — 34 per cent in New Brunswick and 12 per cent in all other provinces. This statistic clearly contradicts Senator Tardif's statement.

Without a doubt, Bill C-232 would, in significant numbers, exclude unilingual candidates and, therefore, many candidates that would be of the highest legal distinction and quality.

Moreover, under the Constitution Act, 1867, and the Constitution Act, 1982, the Charter of Rights and Freedoms, the Official Languages Act and the Supreme Court Act, they do not, nor have they ever, excluded unilingual candidates — quite the contrary. Always, the objective has been to maintain the balance I spoke of earlier between institutional bilingualism and the protection of individual rights.

To maintain that balance, how have previous legislators approached that objective? How do our statutes reflect that balance? Obviously, that has been accomplished through the use of language translation services, both in Parliament and in federal courts. Language translation is the tool used to maintain the balance.

I will not pursue this point because of limited time, but in the Charter of Rights and Freedoms and in the Official Languages Act, there are numerous references to the need for simultaneous translation services — as well as in the rules of the Supreme Court. Translation is the method that legislators have used to determine the appropriate balance.

Despite that method, the sponsors and proponents have suggested that we cannot rely on translation — at least that is the impression I take from it; the translation services that we have are not reliable or dependable and we should not rely on them. Senator Tardif — and I will not read it because of limited time — made reference to that point again back on July 20.

That allegation is serious and significant, namely, that we cannot rely upon the accuracy of interpretation. Think of the implications not only for here, but also for Parliament. We have had, however, no specific examples presented by way of cases or specific examples where that translation resulted in a miscarriage of justice — innuendo, yes; specific examples, no.

I made inquiries of the Registrar of the Supreme Court. I asked: Have there ever been complaints filed with the registrar relating to the quality or reliability of translation services? None have been filed.

Similarly, Marie-Claude Bélanger-Richard, Vice-President of the New Brunswick Law Society, appeared before the House of Commons committee on this bill and was asked by Member of Parliament Rick Norlock on September 30 if she knew of any specific examples, any cases of injustice because of the inaccuracy or unreliability of interpretation that was relied upon. Her answer was, no, she knew of none.

To reject the use of simultaneous translation on that basis without any of that proof, I suggest to you, is not proper.

As time is limited, I will move quickly through this point. I believe that Bill C-232 would necessitate amendments to the Constitution Act, 1982. Those references appear; the Supreme Court is referred to in section 42. If there are issues that relate to a change in composition of the Supreme Court or any other changes — there are the two sections — a constitutional amendment would be required. As we know, that constitutional amendment requires resolutions from the House of Commons, the Senate and, depending on which section honourable senators fall under, either all the provinces or 70 per cent of them. Obviously, that matter is serious.

I suggest as well that the Official Languages Act makes specific reference to the Supreme Court. What is proposed here with regard to Bill C-232 would necessitate amendments to the Official Languages Act as well.

In conclusion, the implications and the consequences of Bill C-232 would exclude unilingual English- and French-speaking Canadians.

Second, I believe the bill contravenes —

**The Hon. the Speaker:** I must advise the honourable senator that the extended time has been exhausted.

**Senator Wallace:** Thank you.

**Senator Comeau:** Question.

**The Hon. the Speaker:** Are honourable senators ready for the question?

Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read the second time, on division.)

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Tardif, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

## BUSINESS OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I note that we are nearing six o'clock and I am almost convinced that if I were to ask honourable senators on my side, they would not mind postponing whatever speeches, inquires and so on that they wished to speak to this afternoon.

I made a quick count and I know that there are still about 10 items to be dealt with this afternoon. If we perform a quick addition, it would amount to something like three more hours this evening.

Would it be possible for both sides to say, let us wrap it up today? In that case, I would move the adjournment.

**The Hon. the Speaker:** Is there agreement in the house, which requires unanimous consent, that all items stand in their place without losing their priority?

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** I was listening to the honourable senators opposite speaking on Bill C-232, but I had an honourable senator check on our side. I understand that the honourable senators on our side want to make their presentations this evening.

**Senator Comeau:** Fine. We will be back at 8 p.m. then.

**Senator Tardif:** We can continue.

**Senator De Bané:** Go for 7 p.m.

[Translation]

## STUDY ON APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

### FOURTH REPORT OF OFFICIAL LANGUAGES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Champagne, P.C., seconded by the Honourable Senator Greene, that the fourth report of the Standing

Senate Committee on Official Languages entitled *The Vitality of Quebec's English-speaking Communities: From Myth to Reality*, tabled in the Senate on March 9, 2011, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Canadian Heritage and Official Languages being identified as the minister responsible for responding to the report.

**Hon. Maria Chaput:** Honourable senators, as chair of the Standing Senate Committee on Official Languages, I am pleased to speak to you about the committee's report entitled: *The Vitality of Quebec's English-speaking Communities: From Myth to Reality*.

As you are all aware, I have dedicated my life to the protection and promotion of our official languages minority communities. This is a driving force in all aspects of my life, both here in Parliament and in my community in Manitoba. Until now, I have focused my attention on francophone communities outside Quebec, like my own. These communities are vulnerable to assimilation, which threatens them from all sides, but they still manage to maintain their vitality, mainly due to their educational, social and cultural institutions and support from the federal government.

That said, in Canada there are two main official languages communities that live in minority situations: francophones and Acadians outside Quebec and anglophones in Quebec. As you all know, our two official languages have equal status, rights and privileges.

During our study of Anglophone communities in Quebec, the committee heard from more than 60 witnesses, represented by more than 200 spokespeople, during public hearings held in Ottawa and in three regions of Quebec.

• (1800)

I can, in all sincerity, say that I learned many things about these official languages minority communities.

Nearly one million people . . .

[English]

**The Hon. the Speaker:** Honourable senators, it being 6 p.m., pursuant to the *Rules of the Senate*, I must leave the chair, to return at 8 p.m.

(The sitting of the Senate was suspended.)

• (2000)

[Translation]

(The sitting was resumed.)

**Senator Chaput:** Honourable senators, close to one million people in Quebec have English as their first official language.

Quebec's English-speaking population is largely bilingual and it is educated. For Quebec's Anglophones, mastering both official languages is a requirement that they must accept. They want to live and thrive in their own language, while fully participating in the Quebec society.



It is important to point out that, contrary to an enduring myth, that population is not privileged from a socioeconomic point of view. While these communities have a special place in Canada's history, as reflected in the Constitution, their development and vitality require the federal government's support, as provided under the Official Languages Act.

Through the recent work of the Standing Senate Committee on Official Languages, I became aware of the situation and the distinct features of Quebec's English-speaking communities. I have discovered their needs and the challenges that they must face.

While their language is obviously not threatened, since it is the language of the majority in Canada, the fact remains that the vitality of Quebec's English-speaking communities remains fragile in some respects, and that the sustainability of that vitality is not guaranteed.

The report, entitled: *The Vitality of Quebec's English-speaking Communities: From Myth to Reality*, describes the current situation of Quebec's English-speaking communities by looking at, among other things, the community life, the economic development, the media in a minority environment, the aging population and the challenges facing Quebec's English-speaking youth.

After its study, the committee made 16 recommendations to the federal government to promote the vitality of Anglophone minority and to support its development.

This committee review consistently showed the importance of consulting on a regular basis with Quebec's English-speaking communities. Consultation is at the core of the trust that must develop between federal institutions and official language minority communities.

In conclusion, I wish to thank all the permanent members of the committee and the other senators who took part in this study. Their dedication, their co-operation and their availability allowed the committee to produce a high-quality report whose recommendations are both useful and realistic. I also want to thank the committee staff, and particularly the analyst from the Library of Parliament, for their extraordinary work.

Since I learned a lot by participating in this study, I invite all honourable senators to read the most recent report of the Standing Senate Committee on Official Languages, which deals with Quebec's English-speaking communities. The time has come to switch from myth to reality.

The report and a summary are posted on the committee's website, where they can be consulted at all times.

[English]

**The Hon. the Acting Speaker:** Is there further debate?

Honourable senators, are you ready for the question?

**An Hon. Senator:** Question.

[ Senator Chaput ]

[Translation]

**The Hon. the Acting Speaker:** Honourable senators, is it your pleasure to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

[English]

## STUDY ON COSTS AND BENEFITS OF ONE-CENT COIN

### EIGHTH REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gerstein, seconded by the Honourable Senator Eaton, for the adoption of the eighth report of the Standing Senate Committee on National Finance, entitled: *The Costs and Benefits of Canada's One-Cent Coin to Canadian Tax Payers and the Overall Economy*, tabled in the Senate on December 14, 2010.

**Hon. Richard Neufeld:** Honourable senators, I rise today to add a few words with regard to the Standing Senate Committee on National Finance report on the removal of the one-cent coin from circulation. The Deputy Chair, my colleague Senator Gerstein, suggested this study after the government indicated that it would be receptive to the committee's advice on the matter. Senator Gerstein has spoken eloquently on this issue and my words will support what he has said.

This particular study brought forward some rather complex issues which, in turn, became more interesting as we progressed. The committee made a total of eight recommendations to the government. I will not deal with each one individually, but rather I will deal with them in groups.

The first recommendation is straightforward and that is:

That Canada's one-cent coin be removed from circulation.

The second and third recommendations are complementary to one another. They state:

Recommendation 2: That the Government of Canada, in cooperation with the provinces and with the retail and service sectors, issue clear voluntary guidelines for rounding after-tax total purchase prices symmetrically to the nearest five cents.

Recommendation 3: That price rounding be applied in cash transactions only.

There was considerable debate about whether removal of the penny would eliminate the 99-cent sale. What happens at the gas pump where prices are set to a tenth of a penny? In no way would the removal of the penny hinder pricing to the penny or to the tenth of a penny. The recommendation states that voluntary

rounding to the nearest five cents would take place only on the total price of all items purchased after tax and would apply only to cash transactions. Card transactions would be charged at the exact amount. This generated a fair amount of debate, however, no one suggested in testimony that we do anything different than what is recommended.

New Zealand's approach was exactly the same. In fact, they found that merchants almost always rounded down as a matter of competition.

Our recommendation that the federal government work closely with the provinces and territories so that a uniform system could be implemented recognizes the fact that consumer legislation may differ between provinces and territories.

Recommendations 4 to 6 also complement each other. They state:

Recommendation 4: That production of the one-cent coin for circulation cease as soon as practicable, that the one-cent coin be removed from circulation starting 12 months thereafter, and that the calling-in period last an additional 12 months.

Recommendation 5: That one-cent coins continue to be legal tender until the end of the 12-month calling-in period, so that Canadians may continue to use them in commercial transactions during that time.

Recommendation 6: That the Bank of Canada continue to redeem one-cent coins indefinitely, and that financial institutions be allowed to choose whether, and for how long, they will continue to facilitate the return of one-cent coins to the Bank of Canada after the calling-in period ends.

I believe these are fairly straightforward, but let me summarize the sequence of steps that are recommended. First, production would cease as soon as possible. Next, 12 months hence, the coin would be removed from circulation. This process, known as the calling-in period, would last 12 more months, with the coin continuing to be legal tender throughout that period. Therefore, in total, the penny would be legal tender for two more years.

Finally, we suggest that the Bank of Canada continue to redeem one-cent coins indefinitely to allow those who may find an abundance of pennies to receive proper value for them, even after pennies are no longer accepted by retailers.

The New Zealand experience was that most of the one- and two-cent coins they called in were removed from circulation within three to four months. Therefore, the 12-month calling-in period we are recommending is quite generous.

Finally, recommendations 7 and 8 state:

Recommendation 7: That the Government encourage charitable organizations to implement fundraising campaigns that would assist in the collection of one-cent coins for removal from circulation.

Recommendation 8: That the Royal Canadian Mint be allowed to decide on the basis of profitability whether to continue limited production of the one-cent coin for direct sale to collectors.

• (2010)

These final two recommendations are self-explanatory.

In summary, this is a great study. As usual, things that seemed simple and straightforward at the beginning of the study became a bit more complicated during the process. All in all, I believe we arrived at a strong set of recommendations that everyone on the committee supported.

In closing, I would like to take this opportunity to thank the Deputy Chair, Senator Gerstein; the Chair, Senator Day; and all my colleagues who sit on this committee for their diligent work on this study.

(On motion of Senator Tardif, for Senator Day, debate adjourned.)

## STUDY ON STATUTORY REVIEW OF THE BUSINESS DEVELOPMENT BANK OF CANADA

### SEVENTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Ten-Year Statutory Review of the Business Development Bank of Canada*, tabled in the Senate on December 15, 2010.

**Hon. Michael A. Meighen** moved the adoption of the report.

He said: Honourable senators, it is my pleasure to speak to this report.

On October 5, 2010, this chamber granted the Standing Senate Committee on Banking, Trade and Commerce the authority to undertake a study of the Business Development Bank of Canada Act.

The impetus for the study dates back to June 25, 2010, when we received a letter from the Minister of Industry, the Honourable Tony Clement, informing us that the Business Development Bank of Canada would be undergoing its ten-year review in 2011, pursuant to the statutory review requirement contained in the BDC Act.

The minister's letter stated:

I am writing to ask the Standing Senate Committee on Banking, Trade and Commerce to undertake a study of the positions and operations of the BDC Act, to look at how the BDC's mandate has evolved and might continue to evolve over the next 10 years, and how it might be best positioned to address emerging challenges for Canadian small and medium-sized businesses.



He went on to state:

The findings of such a study would be instrumental in highlighting key legislative issues for policy makers, helping them ensure that Canada's small businesses have an environment in which they can grow and create jobs. Your work would be a key input to the final report on this review.

As required by the Act, I will launch the review by July 2010 and will report the findings to Parliament by July 2011. Therefore, should the Committee decide to conduct this legislative study, I would welcome its findings by December 2010.

[Translation]

Honourable senators, I would like to thank all the committee members who agreed to carry out this comprehensive and detailed study. We produced the report in time to meet a relatively tight deadline, while still dealing with other issues that were before us, namely, the key report on RRRSPs and TFSA's, several private member's bills introduced by senators and the study on Industry Canada's proposed user fees.

I would be remiss if I did not recognize the parliamentary employees who support the deliberations of our committee, including staff of the Library of Parliament, the Senate Committees Directorate and the Senate Communications Branch. With their help, in order to meet this tight deadline, the Senate Committee on Banking, Trade and Commerce met six times in October and once in November 2010 to review the Business Development Bank of Canada Act. During that time, the committee heard from a representative sample of individuals and groups with an interest or expertise in this area.

[English]

In addition to the 15 recommendations presented in our 45-page report, the committee provided an overview of the current mandate and review requirements in relation to the BDC, as well as potential changes to the act proposed by the BDC and others. It also compiles the views received on various related issues, including the status of financing and venture capital lending to Canada's small- and medium-sized businesses, as well as the role of other federal Crown corporations, such as Export Development Canada and Farm Credit Canada, in domestic and international lending.

It is my hope that the committee's report will be a constructive contribution to the ten-year review of the BDC Act in which the government is currently engaged.

Honourable senators, now that the report has been tabled, I would like to share a few observations about a couple of its key themes and/or recommendations, since they form the foundation upon which most of the report's recommendations are based.

One key theme evident throughout much of our report is that the activities of the Business Development Bank of Canada should be guided by the principle of ensuring that its support for business development in Canada is complementary to that

supplied by Canada's private sector financial institutions; that is to say, that its role should be limited to filling in market gaps or insufficiencies.

In taking this position, the committee was guided by a request from the BDC that the government confirm the concept of complementarity in the current legislative review. The BDC informed our committee that this complementarity involves assessing the needs of the entrepreneur and offering financing with terms and conditions that cannot be considered to be competitive with commercial financial lenders. As well, we were told by BDC that, in assuming a higher level of risk than other financial institutions do, the BDC sets its terms and conditions to account for this risk, obviously higher than those of other financial institutions.

Generally, most of the witnesses who appeared, as well as those who made written submissions, supported the idea of a complementary role for the BDC in the financial services sector.

In considering our recommendations on this issue, the committee recognized that the BDC provides another option for those companies that are unable to access financing from their primary financial institutions; that is, as indicated by the Conference Board of Canada, that the BDC acts "as a partner or as a gap-filler" for small business.

Some of our witnesses expressed the sentiment — in no uncertain terms, I might say — that the BDC's role should not be one where it competes head to head with the private sector.

Honourable senators, our committee was very cognizant of this latter point when developing our recommendation about complementarity between the BDC's role and that of private sector financial institutions.

I would like to say a few further words about another major recommendation: that the BDC, when it conducts its activities, focus primarily on support for Canada's small- and medium-sized enterprises, or SMEs.

As we all know, SMEs are the key driver of our economy. Recognizing the enhanced role the BDC played during the recent financial and economic crisis, the committee received testimony which indicated that Canada, on occasion, has structural and cyclical gaps that occur in small business financing. Although the submissions to our committee were not unanimous in this regard, we did receive testimony indicating that, in the words of the Canadian Manufacturers & Exporters, the BDC is often "an invaluable business partner for SMEs."

In view of this ongoing need, and to respond to the perceived gap, the BDC proposed amendments to the BDC Act so that the purpose of the company is more closely tied to the needs of Canada's entrepreneurs.

• (2020)

In endorsing this modification to the BDC's mandate, and in supporting the request by the BDC, members of the Banking Committee were highly sympathetic to the view that gaps do indeed continue to exist in Canada's financial market for the SME

[ Senator Meighen ]

sector. The committee also agreed that the BDC should be given the mandate to fill these gaps more readily, especially in light of its strong track record as a lender to SMEs.

Supporting entrepreneurs who have not been able to access credit from other financial institutions has in the past yielded long-term positive benefits to this country. In that context, the BDC should be given the mandate to support SMEs more effectively, in full recognition of how critically important they are for our economic growth. Everyone is a winner in this endeavour: Jobs are created, economic development occurs, and Canada's entrepreneurs are better able to navigate their way through the inevitable ups and downs of our economic cycle.

As an aside, honourable senators, I would be remiss if I did not mention the cautionary sentiments the committee heard and discussed with respect to how the BDC conducts business. Senators were of the view that the BDC should strive to maintain a balance between its perceived need to generate a profit and, on the other hand, doing its job as lending to small businesses. Many of our members felt that year-over-year profit maximization of the BDC as an institution should not rank ahead of its responsibilities in support of SMEs.

Honourable senators, a second cautionary note was that the BDC should never place itself in the position where it could be perceived as using its "pricing power" to compete with the private sector on a deal-by-deal basis, and that the principle of complementarity vis-à-vis the private sector, about which I spoke earlier, must always be upheld in fact and not just in theory.

Honourable senators, in closing, while I have refrained from giving an exhaustive and technical overview of every area touched upon in the Banking Committee's review, I have elaborated on two of its key recommendations. Especially in relation to our report's advocacy of enhanced financial and non-financial tools to achieve its purpose, our recommendation about an increased role for the BDC in venture capital activities — and even our report's cautious endorsement of a limited international mandate for the BDC — the underlining objectives of maximizing support for the nation's SMEs and ensuring the complementary nature of the BDC's activities in relation to private sector lenders is ever present and overriding.

The Standing Senate Committee on Banking, Trade and Commerce believes that the Business Development Bank of Canada has played and will continue to play an important role in supporting Canada's entrepreneurs and small- and medium-sized businesses. The committee believes that with the implementation of its recommendations, a modernized and financially stable BDC will be better able to move forward to meet the needs of Canada's SMEs in a more comprehensive manner with benefits for Canada and for all Canadians.

Honourable senators, as we have observed through the recent financial and economic crisis, and during relatively more normal economic times, this support can be good for job creation and for maintaining a resilient and dynamic Canadian economy. As in all things, there is always room for improvement. As Chair of the Banking Committee, I eagerly anticipate the government's forthcoming statutory review of the Business Development

Bank of Canada Act and wholeheartedly encourage the inclusion of our committee's recommendations in any proposals for legislative change that may eventually emerge.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY

EIGHTH REPORT OF FOREIGN AFFAIRS AND  
INTERNATIONAL TRADE COMMITTEE—  
DEBATE ADJOURNED

The Senate proceeded to consideration eighth report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *Seizing Opportunities for Canadians: India's Growth and Canada's Future Prosperity*, tabled in the Senate on December 14, 2010.

**Hon. A. Raynell Andreychuk** moved the adoption of the report.

She said: Honourable senators, I expect to be able to give a full account of our report, which I would like to do at a later date. Therefore, I ask for adjournment for the remainder of my time.

(On motion of Senator Andreychuk, debate adjourned.)

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE—  
DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*Restructuring of Senate Standing Committees*), presented in the Senate on March 9, 2011.

**Hon. David P. Smith** moved adoption of the report.

He said: Honourable senators, I rise to speak on the fourth report of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled: *Restructuring of Senate Standing Committees*.

The structure of Senate committees and their mandates were issues that had not been reviewed in a significant way since 1968, which was 43 years ago. The time had come to undertake a study on the way we organize committees and to consider their mandates and their size.

The Standing Committee on Rules, Procedures and the Rights of Parliament has considered these issues since March 2009; in other words, we have been working on this for two years.



Honourable senators, our primary objective was to consider ways to streamline and improve the efficiencies of all committees. We wanted to create a system that continues to look critically at the key issues that face the country while at the same time ensuring relevance, fairness and effectiveness. We wanted to strengthen the role of the Senate as a reviewing chamber.

Over the last two sessions, the Rules Committee looked at these matters in depth. We reviewed the reform of the committee system in other selected upper chambers. We sent each senator a survey seeking opinions on issues such as size, number and membership options, and over one half of the members of the Senate replied. We solicited the views of as many senators as possible and held hearings on the issue, providing senators with the opportunity to appear before the committee.

During this session, the Rules Committee looked carefully at 10 years of committee statistics. We calculated how many times each committee met, how many reports each committee produced, and how many bills had been referred to each committee. We also invited all committee chairs to provide their views on some of our ideas and proposals. A number of them accepted the invitation and appeared before the committee, graciously offering their comments on the study. We consider their valuable.

Honourable senators, we took this task very seriously. We believe that the proposed revised committee structure is balanced and will provide greater efficiency and flexibility. We also believe the revised structure is thematically sound.

Senate committees conduct important work. They are a key asset to the work of the Senate. The Rules Committee wanted to ensure that the committee structure continues to optimize committee contribution to the legislative process and Parliament.

We are asking the Senate to agree in principle to this restructuring. The report may not be perfect and not everyone will be totally happy, but what we have now is less than perfect. There are some problems. Senators are spread too thin, and it is clear that the current structure lacks a balance in the allocation of work and resources.

These current proposals seek to provide a solution and are just the first step. The next phase will be to develop specific mandates for the new committee structure, as well as to establish the form and number of senators to be appointed to these committees. These current proposals will take effect in the next session of Parliament and not this one, although that may not be that far off. The committee recommends a review every three years.

Honourable senators, in closing, I might say that we reached a consensus on these recommendations. I think that is important. There really was no partisanship on some of these tricky issues, and it is nice when Parliament functions that way. It does not always happen, but it is nice when it does.

**Hon. Terry Stratton:** I would like to make a few comments about this report. I first want to thank the members of the Standing Committee on Rules, Procedures and the Rights of Parliament because it is a 15-member committee.

• (2030)

It was interesting, two weeks ago today, in the committee — we had a draft report and it was tabled — how virtually everyone in the room, including the two independents on the committee, Senator Cools and Senator McCoy, provided valued input into this report. One is always worried about how this discussion will go, but it was striking in that there was a virtual consensus. Everyone had their own problems with the report: they did not like this or that. However, we realized that if we were to accomplish anything, we had to move ahead on this report; that we could not sit back and say, no, I do not like this, and therefore the whole thing should not carry forward.

That was my sense of this whole report, namely, that while not perfect, it was indeed a positive step forward, no matter how imperfect. If we start looking at a report, and we do not like this or that, my analogy is the Charlottetown Accord. That is exactly what happened. They took the bits that they did not like and decided to say no. However, in this case that did not happen. I thought it was remarkable, in the sense that everyone in the committee worked together and realized that this report should happen.

We adopted the report in committee on principle because we realized that there is a fair bit of work left to do. We did not want to take the report or the recommendations too far. We felt that if we could have the Senate itself accept the report in principle, we could then go to the next step in the committee by going back and developing mandates for each of the committees that are so restructured, and even review those mandates if the committee so decided; and that for the existing committees that are to remain, we would take a look at their mandates as well. We wanted input on the mandates from everyone in the chamber.

We would go back to the committee to look at the mandates and draft something, for example, for a mandate and then elicit comments from everyone so that this exercise would not be top-down. Hopefully, for the first time, mandates would be developed by the people who are most interested, namely, the senators themselves. We could then come together and have those mandates evolve so that we had a good working mandate that would work for all committees, with the consensus of the senators involved.

If honourable senators are interested in culture, for example, or if they are interested in whatever, they could have input into that area. It was critical that input be our next step. After those mandates were drafted, we would then review them with the senators and bring them back to the chamber for debate and approval at that second stage.

That is where we are at with respect to the report. Again, I want to thank Senator Smith, who chaired that meeting. It was remarkable to watch and listen as the consensus for this report evolved, and I, too, support its passage. As Senator Smith said, the report is subject to review in three years and will not take effect until the next Parliament, whenever that may occur.

**The Hon. the Acting Speaker:** Is there further debate?

**Hon. Pierre De Bané:** Honourable senators, I first want to say how much I appreciate that finally, in that configuration, one topic will not be avoided, which is culture. Culture deals with what we are — our values, our hopes, our fears — and who we are for each other. That topic — the identity of Canadians and what is at the core of our values — is something that will finally be considered.

Part of the reason for fostering the preservation, growth and deepening of culture is that it is inextricably linked to languages. We state in our Constitution that the official languages are a fundamental dimension of our country. Through language and culture, we communicate with each other about our history and our artifacts; we culminate our hopes, our fears and our aspirations; we assert our rights; and we find common ground to live together.

Honourable senators, language is the essence of culture, and culture is the essence of language. No one in this country would understand putting language in one committee and culture in another committee, as this report purports to propose. No one would understand that separation.

Culture is the essence of language, and language is the essence of culture. Most of what we create culturally is expressed, explained or debated through language. For example, theatre, literature, poetry, television, film, radio, news media, magazines — all these areas are language based. If one looks at how our government is structured, in one department we have the preservation and enhancement of the languages. All the federal programs related to culture, whether it is the CBC, Telefilm Canada, the Canadian Radio-television and Telecommunications Commission, the National Film Board or the National Arts Council, we need to have both the programs and the values in one department. In my opinion, no one who is interested in those issues will understand the logic of separating them into different committees in our house.

I now move the adjournment of the debate. At a later stage, I will continue, and propose an amendment that I hope will be considered by my colleagues.

**Senator Moore:** Bravo.

(On motion of Senator De Bané, debate adjourned.)

• (2040)

[Translation]

## GOVERNMENT PROMISES

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the litany of broken promises by the Harper administration, beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

**Hon. Céline Hervieux-Payette:** Honourable senators, I have reflected on the comments my colleagues have made about this issue, which I think is very important. I would like to speak to you about a subject that is particularly important to me, since I was a member in the other place when we adopted section 15 of the Canadian Constitution to establish equality between men and women in our country. I must say, many years later — that was in the 1980s — that I am disappointed to see where we have ended up with the current government.

As you know, Stephen Harper's Conservative government has become an expert on empty promises, to the point that we have now counted over 100 promises that have not been kept. I know that my colleagues have kept track of them all, but I would like to speak about one in particular. It is not surprising to note that the government's promises to women are almost never kept.

We need only think about the minor role that women play in Harper's cabinet, not to mention the fate of Minister Helena Guergis, who had to pay the price for her husband's mistakes. Where are the women in prominent departments like Finance, Foreign Affairs, Justice and Industry? Not a single key job in the government is held by a woman. What do we make of the saga of Minister Oda, who had to follow her boss's orders — who obviously kept his job — at the expense of her own reputation? What do we make of the integrity commissioner, Ms. Ouimet, who had to appear before us here and who failed to maintain the trust of the employees of the public service of Canada and who was forced to resign because of a report by an officer of Parliament, the Auditor General of Canada, Sheila Fraser, who revealed some flaws with the organization?

What about the way Linda Keen, the head of the Canadian Nuclear Safety Commission, was treated? Given the situation in Japan today, perhaps we should take a closer look at the comments made by Ms. Keen. Perhaps she made comments on nuclear safety and operations that could be of interest to all Canadians.

I remind honourable senators that, in 1967, the Royal Commission on the Status of Women — in which some colleagues here took part — stated in its report that Canadian women then accounted for only 6 per cent of appointees to federal organizations, crown corporations and task forces. By 2005, under a Liberal government, women accounted for 37 per cent of all appointees. However, based on Privy Council documents, instead of going up — particularly considering the number of competent women on the market — the percentage of women appointed to federal organizations dropped from 37 per cent to 32.5 per cent in February 2006. In May 2010, it stood at 26.7 per cent on Crown corporation boards. I remind my colleagues that the Quebec government has passed a parity measure for Quebec's Crown corporation boards and I can tell you that, to this day, our Crown corporations are doing just fine.

When asked by Radio-Canada Nouvelles about this drop, the Leader of the Government, Senator LeBreton — and someone will tell her about my comments — made a joke. She said this had nothing to do with a lack of commitment towards the promotion of women — perhaps that is a hollow statement like those we hear from the Prime Minister — when in fact the government lacks leadership when it comes to appointing women to key positions. Meanwhile, thousands of qualified women in Canada still do not have access to certain positions in federal organizations, Crown corporations and task forces.



Over the past five years, the Conservatives have made significant cuts in the regional offices of Status of Women Canada. I did not see anything in today's budget to provide sizeable amounts of money to support the women who work for little money in organizations that help our communities, and particularly other women who are experiencing difficulties.

The Conservatives have abolished the long-form census for a good reason. Indeed, this form was used to collect important data on women and minorities. Moreover, they introduced bills that will discriminate even more against women in prison, not to mention the cuts made to maternal health programs in developing countries.

Under the Harper government, the important role women play in our society has diminished. Instead of working transparently and acting as a role model for the private sector in promoting the status of women, the Conservatives have decided to play petty politics and proceed with their backwards ideology, rather than creating public policies that would benefit Canadian women.

Furthermore, the government appears incapable of rationally justifying why it refuses to defend the cause of women's equality in Canada under section 15 of the Charter of Rights. It is a basic right that has been recognized in our Constitution since the 1980s. While women understand that full equality cannot be achieved overnight, we would have thought that after more than 30 years, we should be able to expect equality in terms of salary and access to positions of responsibility, especially in the leading organization in a society like ours. The reduced number of women appointed to positions in federal agencies and Crown corporations and on task forces is just one example of the Harper government's lack of commitment when it comes to promoting and achieving gender equality in Canada.

This year marks the one hundredth anniversary of International Women's Day. This unique event should have served as an opportunity for the government to make gender equality a concrete reality in all Canadian legislation.

I firmly believe that the time for broken promises to women has come to an end, and now more than ever, it is important to take action.

(On motion of Senator Comeau, debate adjourned.)

[English]

## CONTRABAND TOBACCO

### INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Segal calling the attention of the Senate to the seriousness of the problem posed by contraband tobacco in Canada, its connection with organized crime, international crime and terrorist financing, including the grave ramifications of the illegal sale of these products to young people, the detrimental effects on legitimate small business, the threat on the livelihoods of hardworking convenience store owners across Canada, and the ability of law

enforcement agencies to combat those who are responsible for this illegal trade throughout Canada, and the advisability of a full-blown Senate committee inquiry into these matters.

**Hon. Tommy Banks:** Honourable senators, the first duty of a state is to protect its citizens. That is why there are states. States resulted from groups of people coming together to protect themselves from harm. Pretty much included in that duty is the duty to uphold the law.

Senator Segal has called to our attention a problem that he described as now worse than ever, and it has to do with the law. I was speaking briefly with Senator Brazeau earlier in the day and I mentioned the mortal fact that successive governments — this government and previous governments — have had their head in the sand in this regard. He said that was right, but that sometimes, though, one must draw a line in the sand. It is in that sense that Senator Segal called our attention to this problem.

It is the problem of lawlessness, and that is the principle that is at the root of the problem that occurs along our central border with the United States, particularly where that border is intersected by territories of First Nations. It has to do with, but is not limited to, the business of contraband tobacco. Nor is it limited, as I have sadly found, to Central Canada, to Ontario and Quebec.

Last month, the RCMP made a seizure of contraband cigarettes in the Montana First Nation in Alberta of 14 million illegal cigarettes — 75,000 cartons — that came from illegal manufacturers, through illegal importing, into Canada via Central Canada, costing millions of dollars in lost revenue to Alberta and to Canada. Sadly, this seems to have involved some of the leadership of that First Nation.

• (2050)

Senator Segal, in his excellent speech on November 18 on this point, provided us with numbers and figures that describe the extent of this lawlessness. I hope that honourable senators have read, will read or do recall his speech. Those numbers and figures are shocking. The circumstances and actions described by Senator Segal in his speech are shocking. They indicate a flouting of Canada's laws on a level and to an extent that is shocking.

Senator Segal talked about the extent of the cost to Canada of this flagrant illegality in terms of dollars. The amounts are in the billions — not millions, but billions — but also in terms of the principles involved and about the flagrancy of illegal activity by everyone involved: by criminal gangs; by ordinary Canadians out to make a fast, easy and relatively safe buck because no one prosecutes them; and by members of First Nations. I should not say that no one prosecutes them because the efforts of our law enforcement agencies are Herculean in that respect but, as usual, they do not have the resources or the political will behind them to deal properly with the question.

The geographical situation of the Akwesasne First Nation, which is where many of these cigarettes come from — that First Nation is a proud and ancient member of the Seven Nations confederacy in Canada. It has a population of about 24,000 people. The geographical and political situation of the

Akwesasne lands is unique. These lands lie mostly in the United States, in New York State, and they include some islands on the St. Lawrence River that are Canadian.

The Akwesasne lands of the United States are not federal lands because the State of New York never ceded those lands to the union. The Akwesasne hold those lands by virtue of a grant from the State of New York. The lands are New York State lands.

As Senator Segal pointed out to us, it is this unique geographical and political situation that in many respects is pivotal to the illegal activity that goes on in and around this area. It is illegal activity that is not circumscribed merely by the revenue losses or by the increased danger of cigarette smoking because kids can buy cigarettes at \$15 a carton rather than \$70 a carton. It includes other, and in some ways more serious, criminal activity. It funds the smuggling of guns, drugs and people, and it is the view of law enforcement officers on both sides of the border that it now funds terrorism. With billions of dollars, one can provide a lot of funding.

The Senate has long been a place where Aboriginal rights are defended and protected. The Senate has often had salutary effects on public policy in those regards, and I hope that will never change.

In the case of the Akwesasne, by way of example, those rights include the right to travel freely between Canada and the United States across a border that is within the Akwesasne lands. That right was not created by, but is recognized by, the Jay Treaty, as it is called. It is actually the Treaty of London of 1749. Jay was the name of the American negotiator on the treaty, which provided, as it was put, that Native American Indians born in Canada have the right to travel freely across the United States border for all intents and purposes. That treaty, by the way — the formal title of which is the Treaty of Amity, Commerce and Navigation managed to force all hostilities between His Britannic Majesty and the United States until 1812.

That treaty recognized that those American Indians, as they were called, could travel freely across that international border. The United States has codified this obligation in the Immigration and Nationality Act, which provides that Native Indians born in Canada are entitled to enter into the United States for the purpose of employment, study, retirement, investing and immigration. However, nowhere in the treaty or anywhere else does it say that anyone is entitled to conduct criminal activity in either the United States or Canada. Nowhere in the treaty does it say that there is a licence to break the laws of either country. Nowhere does it permit tobacco smuggling, drug smuggling and people smuggling by Aboriginal people or by anyone else, by criminal gangs or by ordinary Canadians. These things are all taking place. The difficulties faced by both Canada and the United States in enforcing their respective laws are exacerbated by that unique geographical and political circumstance of the area's First Nations, including the Akwesasne.

There are perfectly good and legitimate businesses owned and operated by Aboriginal people in the Akwesasne Nation, for example. One is called Grand River Enterprises. It is a large and respected corporation.

The Mackenzie Institute reports they are a major employer in the Niagara Peninsula. They co-operate fully with all Canadian and United States laws. They are a large and well-established corporation. They not only provide quality cigarettes for First Nations communities, which they are perfectly entitled to do legally, but they also have contracts to supply our Armed Forces with cigarettes and some of the Armed Forces of our allies with cigarettes. The corporation is a major First Nation business success story, but the contraband industry is now victimizing even them. Their products are now among those that are being counterfeited or mimicked by unlicensed producers and hawked in a variety of places as illegal cigarettes. A legitimate Aboriginal-owned business is being victimized by the illegitimate manufacturing, distribution and sale of illegal tobacco products, and the proceeds are in the billions.

That report, the Mackenzie Institute report, indicates that a variety of actors appear to be taking profit wherever they can out of the situation, such as individuals who live in that area working to benefit themselves and organized criminal societies. Worse yet, there is a clear linkage between criminality and terrorism groups. They are close working cousins and they scratch each other's backs.

In the United States, there have been three cases so far where individuals associated with Hezbollah or al Qaeda have been moving contraband cigarettes and enjoying the proceeds of this criminal activity, which is taking place under our noses. Behind this, the Mackenzie Institute report points out, is an old truth, that so long as someone has a demand for something, someone will supply it at a reasonable cost. If the legal product is too expensive or too highly regulated, contraband product inevitably will appear.

My information is that there are at least ten large cigarette manufacturing facilities on the New York State part of the Akwesasne lands. At least one of them is legal, licensed and observing the law, but the others are not. The cigarettes they make are illegal; the transport of them from the First Nations lands into Canada proper is illegal; the huge profits that result are illegal; and the other criminal activities that are funded by those proceeds are illegal.

Despite increased budgets, attention, surveillance and larger and more frequent interdictions and seizures, the problem, the lawlessness, seems always to increase. We seem unable or unwilling to tackle the problem head-on because, as Senator Brazeau points out, no one wants another Oka. As Senator Brazeau also points out, we have to draw a line in the sand some place, and the duty of the state is to enforce the law, unless it cannot be tackled head-on.

Maybe the social factors, the political difficulties, the constitutional impediments, the inconvenience and the danger are too great. Maybe we have to accept that criminals will operate there, as they always have, and there is nothing that anyone can or will do about it. If that is so, it is a pretty sad state of affairs.

Let us characterize, for the sake of the argument, and perhaps odious comparison, the Akwesasne lands as a state within a state along the lines of Andorra, San Marino or Monaco. It is preposterous to think that unbridled lawlessness on the part of



Andorrans would be countenanced by France and Spain. To think that Italian authorities would look the other way if San Marinans were manufacturing and smuggling contraband into Italy is absurd. The suggestion that France would have her head in the sand in the face of flagrant violations of French law by Monégasques is silly. Everyone knows that that would not be allowed to happen.

• (2100)

It happens only in our country. No self-respecting nation can possibly do such a thing. No self-respecting nation whose first responsibility is to the safety and security of its citizens can stand idly by, watching while criminals operate openly and with impunity, driving trucks during the winter off the ice and up onto the streets of Cornwall with loads of cigarettes. Everyone knows they are doing it; everyone is selling the cigarettes and everyone is smoking them. In those relatively few instances when they are stopped and charged, they receive insignificant penalties, which they regard as a minor inconvenience and a cost of doing business; miniscule in comparison to the proceeds they are receiving.

That is what we do. We sit idly by watching this activity because we do not have the political will to do anything about it. We have the means; we have the people; we have the intelligence; and we have the information. We decide not to do it, and it is not that the enforcers of our laws are not working assiduously to maintain the right. They are, but, and here we go again, the resources with which they are supplied — the money, the people, the time and the political will — are insufficient to the task by a significant factor.

The cost to us of this rampant criminal activity is in the billions. To make more effective inroads against it would cost in the hundreds of millions. The benefits are exponential if it comes down to simple arithmetic, but, of course, it does not come down to simple arithmetic. It is more difficult, complicated and exasperating than that.

Suggestions have been made from many quarters as to how to deal with this problem. Some of them may be right. Many of them are certainly wrong. I would not presume to have an opinion on what courses to follow.

However, I know how to arrive at the recommendations that would have facts, truth, common sense and consideration behind them. It is to follow Senator Segal's proposal, which is exactly the right one, to move forward on this issue. He says, rightly, that the Senate is uniquely qualified and mandated to address that next step. He proposes that we should do so by means of a formal Senate inquiry.

May I have five minutes to finish?

**The Hon. the Acting Speaker:** Is that agreed, honourable senators?

**Hon. Senators:** Agreed.

[ Senator Banks ]

**Senator Banks:** It should be dealt with by a special committee of the Senate. The matters that need to be addressed in this dilemma have some aspects that fall into the bailiwick of national security and defence; others that are clearly matters of national finance; others that have to do with legal and constitutional affairs; and still more that concern foreign affairs and international trade. This matter concerns all of the above.

The best way to address the problem is by the creation of a special committee of the Senate, along the lines of the Special Senate Committee on Illegal Drugs that was chaired so effectively and efficiently by Senator Nolin. It should be a special committee with a clearly defined and circumscribed mandate, and a fixed time line in which to recommend to Parliament the next step and direction in public policy. That committee is precisely the kind of thing that the other place will not do. It is precisely the kind of thing that the Senate does best.

Something needs to be done urgently.

**The Hon. the Acting Speaker:** Is there further debate? If no other senator wishes to speak, this matter is considered debated.

(Debate concluded.)

## IMPORTANCE OF CANADA'S OIL SANDS

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Eaton calling the attention of the Senate to the benefits of Canada's oil sands.

**Hon. Patrick Brazeau:** Honourable senators, I am pleased to rise today to speak to Senator Eaton's inquiry into Canada's oil sands; ethical oil and a fountain of opportunity for Canada's Aboriginal peoples.

In so doing, I add to the fulsome debate shared thus far by my honourable colleagues, Senator Eaton, Senator Frum, Senator Greene, Senator Segal and Senator Lang. To date, these honourable senators have made a persuasive case about the advantage of Canadian oil sands oil. I wish to share with honourable senators today my belief about the strong relationship between Aboriginal peoples and the oil sands.

Aboriginal peoples have been making use of the oil sands since long before European settlers arrived. Thick seams of bitumen, a thick, sticky form of crude oil that touches the surface of the land in Northern Alberta, have been used to waterproof canoes for generations.

[Translation]

Today, the oil sands play a much more important role in the lives of Canada's Aboriginal peoples. In fact, the oil sands industry is their main employer in the country. Although our people continue to experience inequality in many sectors of human activity, the opportunities for employment and economic development connected to the oil sands are considerable and quite remarkable.

[English]

There are five First Nations in the oil sands region, and seven locals of Region 1 of the Metis Nation in Alberta are in Wood Buffalo. Ten per cent of Fort McMurray residents identify themselves as Aboriginal, and that number rises to 50 per cent of residents in rural areas.

Historically, the Aboriginal population in Northern Alberta has faced the same challenges that bedevil Aboriginal peoples elsewhere in this country, including the sad reality of high unemployment.

Honourable senators, as the whole country knows, the oil sands project needs, wants and regularly seeks hard-working men and women. In the face of this need and the opportunity that flows from it, people from across the country, and even from overseas, have flown in to meet the pressing labour demand.

[Translation]

Naturally and fortunately, it makes more sense to employ the local Aboriginal community, a hard-working and productive labour force. Consequently, more than 1,600 Aboriginal people have permanent, full-time, well-paid employment in the oil sands industry. There are even jobs for unskilled and low-skilled workers.

Truck and bus drivers, support positions, usually have salaries of more than \$100,000 a year. The importance of this type of prosperity and the opportunities the oil sands represent for Aboriginal people with a strong desire to have a well-paid and productive job are undeniable.

[English]

Far more exciting are the enormous business contracts that oil sands companies offer to Aboriginal-owned and operated firms. First Nations and Metis in Alberta do not only work for companies; they own and run those companies.

Last year alone, Aboriginal companies earned more than \$700 million in contracts from the oil sands. The two oldest oil sands firms, Suncor and Syncrude, have spent more than \$2 billion in Aboriginal sourcing in the past 15 years.

While some Aboriginal firms are owned privately, others are owned by First Nations collectively. The Fort McKay Group of Companies itself brings in \$100 million a year and is owned by the Fort McKay First Nation. There is even an Aboriginal oil sands Chamber of Commerce.

These are good news stories for Aboriginal peoples and Aboriginal entrepreneurs. Canadians need to hear more of these types of stories, and the oil sands are a shining example of how Canada can tap into the realities of our demography in which the Aboriginal population is growing as rapidly as the opportunities arising from the oil sands.

It is the kind of Aboriginal development, both in the economic and labour market senses, that I have believed in and promoted my whole life. Individual Aboriginal people, be they First

Nations, Inuit, Metis or non-status Indians, taking personal responsibility for their destiny and becoming national-class entrepreneurs — can there be any better definition of success?

[Translation]

This is the vision that inspires me for the future, a vision where the notion of dependence is rejected, opportunities that present themselves are seized, and a labour force and an economy that fosters the socio-economic health of our nation are forged through hard work. With few exceptions, the Aboriginal community of Northern Alberta see in the oil sands the best they have to offer: a permanent way to enrich the life of its people and build an industrial and self-sufficient culture.

And it is not just about money. The oil sands industry plays a leading role in Canada with respect to the involvement of Aboriginal peoples in social and territorial issues. For example, every First Nation has its own industrial relations firm funded by the industry to deal with various issues, including the environment and treaties.

• (2110)

[English]

Add to this the culture of volunteerism and charity that animates Fort McMurray. Year after year, the United Way declares Fort McMurray to be Canada's most generous city.

Aboriginal peoples are not only recipients of this benevolence, through everything from literacy training, to vocational skills, and to elders' programs. Aboriginal businesses are generous donors, too. How encouraging, how heartening it is for me, as a First Nations person, to see our communities contributing to local benevolent campaigns rather than having to be served by them as victims of missed opportunity and unmitigated suffering.

Measured against any other Canadian industry, the oil sands are clearly a leader in the productive, respectful integration of Aboriginal peoples into the mainstream of Canadian life and into the heartland of Canadian opportunity. Aboriginal involvement is not just an afterthought or some type of affirmative action undertaking. It is meaningful, critical and central to every step in the life cycle of an oil sands project, from conception and planning through operations and land reclamation. Even the buffalo ranching that now takes place on reclaimed oil sands mines is in keeping with the culture of the region.

Of course, as with any community, there are challenges and problems. I cannot think of anywhere, especially a boom town, where there are not social and economic problems, be they Aboriginal or not.

The Aboriginal involvement in the oil sands is a benchmark for other Canadian industries and communities. Canadian business and, indeed, our society at large must learn from it. Governments of all levels must acknowledge it and be determined to continue meaningful engagement in continued consultation and accommodation of Aboriginal peoples.



It is unwise and almost absurd to compare the treatment of Aboriginal peoples in Canada to the treatment of those in OPEC countries. It would be as lopsided as comparing the treatment of women in Canada with the treatment of women in regimes in Saudi Arabia and Iran.

Yet, regardless, we must go through that intellectual exercise because that is the nature of our oil competitors and that is where the anti-oil sands activists — and they are numerous — would have our customers buy their oil from instead.

Honourable senators, consider Venezuela's treatment of their Aboriginal peoples, called the Yukpa. When human rights groups pressed for the Yukpas' land claims in Machiques, Hugo Chavez sent police to harass and detain Aboriginal activists. A Yukpa elder, who was the father of one of their political leaders, was beaten to death by armed men.

I wish I could say that horrific treatment was rare in Venezuela, or indeed the world, but the fact is Canada's oil sands are unique in the manner in which they deal with the interests and aspirations of Aboriginal peoples.

Human rights are just not a priority for other OPEC countries.

The plight of the Yukpa is not well known to Canadians, but every one of us has heard of the genocide committed against the people of Darfur, where the United Nations estimates 300,000 people were murdered by the Sudanese government. In his book, *Ethical Oil*, author Ezra Levant makes a gruesome calculation. The Darfur death toll works out to 6.5 millilitres of blood for every barrel of oil exported over the same period of time. Sudanese oil is truly blood oil.

Of course, we should never judge ourselves by the low standards of OPEC countries — and make no mistake, we are not. That is the point. The oil sands are truly setting new standards every year for the productive, meaningful and collaborative inclusion of Aboriginal peoples.

[Translation]

And instead of staying silent as they tend to do, I believe that Canadians need to shout it from the rooftops. As the former head of a national Aboriginal organization, as a Status Indian and activist who has always encouraged any effort, I have had enough of upper-class European lobbyists coming here to tell us to shut down the industries that are so crucial for the life of our people.

[English]

Honourable senators, for years, Greenpeace International, a multi-national, multi-billion-dollar corporation headquartered in Amsterdam, has used the seal hunt as a major fundraising effort. They do not care if they throw Aboriginal Canadians out of work. They have their fundraising quota to meet. Now Greenpeace International is back targeting the oil sands, the largest employer of Aboriginal peoples in Canada.

Is it just a coincidence that Greenpeace targets industries that are disproportionately Aboriginal? Whether it is deliberate profiling on their part or merely their obliviousness to the

consequences of their demands, it is unacceptable. Unlike Greenpeace and others who would victimize northern Alberta's Aboriginal community, I believe that the oil sands should highlight its progressive approach to the engagement of Aboriginal peoples.

[Translation]

I think that most Canadians have no idea how remarkable this is, and that is not even taking into account how hungry our American customers are for our oil. I believe that if more Canadians knew about and understood the benefits of a cooperative and respectful approach to working with the Aboriginal peoples, they would be proud of the industry and the economic benefits it offers.

Many Canadians are worried about how Aboriginal people around the world are being treated. That is why fair-trade coffee, for example, is so popular in Canada, particularly in the big cities.

[English]

If those same sensitive Canadians were aware that oil sands oil took a fair-trade approach with our own Aboriginal communities, it could be a source of great national pride and recognition of a purposeful shift in the fortunes of Canada's Aboriginal communities. It is a success story, and sometimes we Canadians just are not good at boasting about our accomplishments. Honourable senators, we need to recognize and embrace this as the success that it is.

It is not just a great success that Canadians should know about. I have worked enough at the United Nations and with other international agencies to know the story of the Aboriginal involvement with the oil sands should be a role model to show the entire world. Far from being defensive about this industry, we should teach others how we do things in this regard.

As the honourable senators who have spoken on this subject before me have confirmed, there is no difference between gasoline made from oil sands oil and OPEC oil. They both burn the same in your gas tank and they both cost the same at the pump. However, if we care about more than just that, if we care about the ethical manner in which oil is produced, I believe we Canadians can take special pride in how our national oil sands operate.

[Translation]

Honourable senators, I am no scientist, climatologist or civil engineer. I come to you as a person who passionately seeks to defend and gain recognition for access to prosperity for the Aboriginal community. I want that community to share in Canada's vast potential for success in this sector.

As an Aboriginal activist who has long called for accountability, responsibility and transparency on behalf of my community, I am filled with pride and gratitude when I see the leadership role these members play within this vital industry.

The same responsible, realistic and ethical development must continue during the entire time the oil sands are exploited, and I hope and believe this will be the case.

[English]

Honourable senators, in the final analysis, I cite the successful engagement of Aboriginal peoples in the oil sands development as an excellent example of tapping the energy of Canada's Aboriginal community and refining dependency into opportunity — an opportunity of which Canada's Aboriginal peoples are entirely deserving.

(On motion of Senator Comeau, debate adjourned.)

## THE SENATE

### MOTION TO CONDEMN ATTACKS ON WORSHIPPERS IN MOSQUES IN PAKISTAN AND TO URGE EQUAL RIGHTS FOR MINORITY COMMUNITIES— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Greene:

That the Senate condemns last Friday's barbaric attacks on worshippers at two Ahmadiyya Mosques in Lahore, Pakistan;

That it expresses its condolences to the families of those injured and killed; and

That it urges the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak on the motion to condemn attacks on worshipers in mosques in Pakistan and to urge equal rights for minority communities, which was presented by the Honourable Senator Finley.

The events that took place in Lahore, Pakistan, on May 28, 2010, were truly horrific. The coordinated bombings of not one, but two places of worship that left more than 80 dead and hundreds injured was a clear act of terrorism and is unacceptable.

Those in attendance at the mosques were a part of the Ahmadiyya sect of Islam, a smaller religious group that has existed in the country for a number of decades now. It was due to their divergent religious views that they were attacked in one of the holiest places for a Muslim, a mosque. As Senator Finley stated, and I completely agree:

To kill in a place of worship is the ultimate insult to faith and religion.

Unfortunately, this is not the first time that the Ahmadiyya sect has been a victim of religious violence. Just a few weeks ago, 1,500 people stormed a mosque in Indonesia to stop 20 Ahmadiyya followers from worshipping. The mob killed three men and severely wounded six others.

It is important to highlight that these acts, which were committed by a group that justifies their ways in the name of Islam, can in fact not logically be associated with the faith itself. The killing of innocent individuals, regardless of their religious beliefs, is unacceptable in Islam. The aggressive nature and approach of the small minority of extremists in dealing with people of other beliefs is incorrect and un-Islamic.

• (2120)

The Holy Quran states:

Whosoever killeth a human being, it shall be as if he had killed all mankind, and whoso saveth the life of one, it shall be as if he had saved the life of all mankind.

Honourable senators, in spite of what ideology was promoted by the fundamentalists who committed the bombings of the mosques in Lahore, true Islam promotes the value of all human life. Every person in the world, regardless of faith, should be treated with full respect and human dignity. The Ahmadiyya minority deserves no less.

I ask these fundamentalists and extremists not to use my faith of Islam to carry out these murderous acts.

Honourable senators, as Canadians, we are fortunate enough to have our basic rights and freedoms, which in turn allow us to speak up against injustices in the world without fear of repercussions. As such, we should stand up against both of these events and do what we can to ensure that such tragedies do not occur again.

We Canadians need to encourage foreign states and police forces to protect not only the rights but the lives of Ahmadiyyans. We need to help ensure that governments remain tough on Islamic extremists and no longer fear the backlash that might be perpetuated by doing so. We can no longer sit back and watch ignorance and bigotry prevail.

I want to take this opportunity to thank Senator Ataullahjan and Minister Kenney for attending the funeral of Minister Bhatti, the minorities minister of Pakistan. By attending this funeral, they pointed out what Canada stands for. As Canadians, we must act to protect the rights of religious minorities.

I give my full support to Senator Finley's motion, and in doing so I urge:

That the Senate condemns last Friday's —

— that is, May 28, 2010 —

— barbaric attacks on worshippers at two Ahmadiyya Mosques in Lahore, Pakistan;

That it expresses its condolences to the families of those injured and killed; and

That it urges the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice.



Honourable senators, I believe that we live in a country that lets all its citizens practice their faith. This is a value we are proud of, and we should use our government's good offices internationally to state that we as Canadians stand for all people practising their faith and that we will support people all over the world in practising their faith. That is our Canadian value, and we are proud of it.

[Translation]

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I see that the bill, as currently worded, indicates that the Senate condemns last Friday's barbaric attacks.

I would like to speak with Senator Finley to see if there is a possibility of proposing an amicable amendment to make this motion receivable. That is why I am moving adjournment of the debate until I have a chance to speak with Senator Finley.

(On motion of Senator Comeau, debate adjourned.)

[English]

## SUSTAINABLE DEVELOPMENT TECHNOLOGY

### INQUIRY- DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the importance of Sustainable Development Technology Canada.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, Senator Day has indicated his desire to speak to this inquiry, but he has not yet completed his research. Therefore, I would like to take the adjournment in his name, at his request.

(On motion of Senator Tardif, for Senator Day, debate adjourned.)

[Translation]

## NEED FOR GENDER-BASED APPROACH TO BUDGETARY AND FISCAL PROCESSES OF FEDERAL GOVERNMENT

### INQUIRY—DEBATE ADJOURNED

**Hon. Rose-Marie Losier-Cool** rose pursuant to notice of March 9, 2010:

That she will call the attention of the Senate to the need for the Canadian federal government to adopt a gender-based approach to its budgetary and fiscal processes.

[ Senator Jaffer ]

She said: Honourable senators, at a time when I am usually in bed, I am rising to bring your attention to an innovative concept, which, although is not really that new, is one of the best weapons against sexism. I would like to speak about gender-based analysis and how it applies to the budgetary process.

Let us start with a definition given by an expert in the field, Mr. Socé Sene, an international gender analysis and development consultant from Senegal. He stated:

Gender-based analysis is a systematic effort to identify and understand the roles and needs of women and men in a given social context. The purpose of gender-based analysis is to understand the mechanisms responsible for the main problems and to determine possible solutions at a policy, program or project level.

Gender-based analysis examines the differences between men and women, as well as the differences among men and among women. It analyzes the relationships between men and women. The objective of this type of analysis is to identify gender differences and inequalities in relationships between men and women.

Mr. Sene is of the opinion that gender budgeting takes into account the differences between men and women and their relationships at the family level, particularly in terms of budget preparation, presentation and implementation.

Gender-based analysis examines the consequences of allocating revenue and expenses over the life cycles of men and women, not only now but also in the medium and long terms.

It assesses the implications for employment, income, means of production, access to credit and factors that have an influence on the different obstacles and opportunities faced by men and women.

What are the disparities between women and men? Just look at access to employment, income, health care needs, division of family responsibilities and duties, education, abuse, and the needs for access to justice, power, democratic representation and economic independence. These are all areas in which the reality of men differs from that of women.

I have three examples to illustrate that point. First, women depend much more on free health services because they use health services more often both for themselves and for their children. Second, women take a different career path that can influence their retirement income, because their presence in the workforce is much more sporadic than that of men due to childbearing, availability of employment and so forth. And third, generally speaking, women live longer than men do, with all that means in terms of income and health care.

Now that we know what gender-based analysis is, let us look at why it is necessary in the budgeting and taxation process of any good government, including the Government of Canada. Budgeting, which is the government's spending, and taxation, which is the government's income, makes the government's policies concrete.

At the very least, in order not to widen the gap between men and women, and deal with or eliminate these disparities to help achieve real equality between women and men, budgets must be gender based. In fact, gender-based budgeting is a tool that not only women are in favour of. It can also help men by correcting the inequalities that negatively affect men, for example when applying for post-secondary education, which is increasingly being dominated by women.

What are the more specific aspects targeted by gender-based budgeting?

• (2130)

These policies became a reality through the budget and the resources allocated in the budget. Are these resources enough to create equality between women and men? Are the activities funded equally adaptable to women and men? Are the anticipated results of the activities or policies funded distributed equitably between women and men? Are the performance indicators associated with these activities or results different based on gender?

More practically, this is where we can apply a gender-based approach to the budget in the area of tax policy: at the level of personal income tax and corporate taxes, consumer taxes, deductions and tax credits. We must not forget that current policies affect whether a person decides to marry, to stay with a partner, to work — full time or part time — to have a child, and so on.

Here are other particular areas in which gender-based budgets should be used: access to justice, a right that should not be reserved for the rich; pay equity, because women still earn less than men for equal work; law and order, to reduce and further criminalize violence against women, but also to take into account, for example, the special circumstances of women in prison, including mothers who must see their children.

As I was saying earlier, honourable senators, the concept of gender-based budgets is not a new one. This approach was introduced at the United Nations Third World Conference on Women in Nairobi, in 1985, and was solidly established after the United Nations Fourth World Conference on Women in Beijing, in 1995.

[English]

Honourable senators, Australia was the first country to implement a gender-based budget in 1984. Until 1996, all levels of government in that country had to look at how their budgets affected women. In 1995, South Africa launched its Women's Budget Initiative with the collaboration of NGOs, parliamentarians and many researchers.

Since 1995, more than 60 countries around the world have tabled gender-based budgets. In Europe, this has been the case in Belgium, Ireland, the United Kingdom, Norway, Sweden and the Spanish Basque Region. In Africa, one can look to Kenya, Nigeria, South Africa, Morocco, Tanzania, Uganda and Zimbabwe. In Asia, this is the case in India and the Philippines, whereas Israel is a good example in the Middle East. As far as the Americas are concerned, think Chile, the United States and

Mexico. Furthermore, budget tabling in Australia, the United States and the United Kingdom go hand in hand with the tabling of supporting budgetary documents.

However, honourable senators, please know that not all gender-based budget initiatives come from government. Indeed, some NGOs come with them, usually in the guise of parallel budgets. Examples include Uganda's Forum for Women in Democracy, the Tanzania Gender Networking Programme, Mozambique's Gender Institute for Democracy, Leadership and Development, the American Institute for Women's Policy Research in the U.S., and the United Kingdom's Women's Budget Group.

In addition to governments and NGOs, some international organizations also deal with gender-based budgets. I am thinking here of the United Nations' UNIFEM, the International Association for Feminist Economics, the Commonwealth Secretariat, the European Women's Lobby, the Nordic Council and the World Bank.

Now, what about Canada?

[Translation]

Although gender equality is recognized in Canada under sections 15 and 28 of the Canadian Charter of Rights and Freedoms, under section 3 of the Canadian Human Rights Act and under subsection 35(4) of the Constitution Act, 1982 (for Aboriginal women), these rights have not been given sufficient concrete expression in federal activities. Indeed, I would like to remind honourable senators of two things: first of all, that equality on paper does not always translate into equality in fact; and second, that the concept of gender equality does not always mean doing exactly the same thing for women and men.

I would draw your attention to the fact that article 2 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women prohibits all forms of direct and indirect discrimination against women.

Article 3 of the CEDAW, which Canada ratified in 1981, stipulates that women's right to equality shall be both formal and substantive. Article 7 of the CEDAW calls on states parties to take all appropriate measures to eliminate discrimination against women in the political and public life and guarantee women equal right to participate in the formulation and the implementation of government policy, such as taking part in the budget decision-making process.

In 1993, the Women's International League for Peace and Freedom published its *Canadian Women's Budget*, which compared federal expenditures for social programs and military expenditures and recommended better priorities for the federal government. Prime Minister Jean Chrétien's Liberal government, which had just come to power, heeded those recommendations. In 1995, with the prospect of the Fourth United Nations Conference on Women in Beijing, the Chrétien government prepared a policy document entitled: *Setting the Stage for the Next Century: The Federal Plan for Gender Equality*.

That document called for the implementation of gender-based analyses in all federal departments and agencies. In 1999, Status of Women Canada created the Gender-Based Analysis Directorate, which disproves the statement made by the Leader



of the Government in the Senate on March 8, 2011, to the effect that gender-based analysis was created by the current Conservative government. Furthermore, in February 2000, Status of Women Canada published a guide entitled: *Gender Budgets: An Overview*, proving, once again, that gender-based analysis existed long before the current government was first elected.

However, these initial efforts must not have been enough because, in April 2005, the Standing Committee on the Status of Women in the other chamber released a report entitled: *Gender-based Analysis: Building Blocks for Success*, in which it recommended implementing gender budgeting. Have greater efforts been made since the arrival of the Conservative government in 2006?

It is quite natural to be doubtful because, in the spring of 2009, the Auditor General of Canada tabled a report on gender-based analysis in which she concluded that “there is no government-wide policy requiring that departments and agencies perform it.” The Auditor General had examined the practices of seven departments and found that gender-based analyses were rarely carried out and that they were given little consideration when departmental policies were developed.

Are we to believe that a simple policy is not enough and that Canada, like Belgium, needs a law for an integrated approach to gender equality?

Would this law — which would be more binding than a simple policy that currently seems to be lacking in Canada — be enough in and of itself to impose the practice of gender-based analysis on the federal administration, to integrate the principle of equality at the national level, and to integrate measures to achieve this equality in departmental or sectoral programs, including budget and tax processes? For in fact, as I was saying a few minutes ago, equal rights do not necessarily translate into true equality.

• (2140)

Fortunately, some NGOs have been paying attention as well and, since 1995, every year before the federal budget is brought down, the Canadian Centre for Policy Alternatives publishes its own *Alternative Federal Budget*. This alternative budget proposes strategies to control the deficit, stimulate growth and foster greater equality and social justice. In addition, some NGOs appearing before the Standing Committee on Finance within the framework of the federal budget use gender-based analyses in preparing their presentations.

[English]

**The Hon. the Acting Speaker:** Honourable senators, are you prepared to grant another five minutes?

**Hon. Senators:** Agreed.

[Translation]

**Senator Losier-Cool:** The Leader of the Government was telling us the other day that the federal government was conducting gender-based analyses in preparing the budget. What is the federal government doing precisely? And how is it doing it?

[Senator Losier-Cool]

In a gender-based budget one basic ingredient is essential: reliable, differentiated data on men and women. These data come from analysis of public service delivery, the positive impact of public spending, public spending per sector, budget estimates, and the impact of the budget on scheduling.

There must be constant questioning of programs, cuts and current policies. Do these programs, cuts and policies encourage full participation and equality between men and women? Do their consequences discriminate against men or women? These questions have to be asked, not by equality specialists, but by the very people preparing the policies and budgets, who will be trained and made aware of the challenges.

These questions must be asked with the support of civil society, unions, media, researchers and parliamentarians, who will also have been trained and informed. As parliamentarians, we can participate in pre-budget consultations in relevant committees and committee studies of the estimates, budgetary items and performance reports.

I would like to summarize the steps involved in gender-based budgeting: understanding the factors that affect women and men differently; taking inventory of current and proposed policies and programs; establishing specific objectives based on extensive, reliable data; identifying current or potential gender-based issues; and implementing changes to avoid or eliminate negative impacts, by adding supplementary financial resources or a complementary programs or activities.

At least one of these aspects is already at work here in Canada, namely, training and awareness.

Since the early 2000s, Status of Women Canada has offered training modules on gender-based analysis. These modules include preliminary assessment of impacts, desired results, needs in terms of supplementary research, logistics of required consultations, development and presentation of policy options, communications strategies, program design based on the available options, service delivery and program evaluation.

So neither information nor training seem to be lacking. But are they useful? Not really, according to the Auditor General of Canada. That needs to change, and quickly. Gender-based budgeting can only be to the federal government's economical and political advantage, especially if it wishes to be effective.

In fact, requiring that every federal policy or program undergo a study on the gender impact would mean that their impact would be better understood and the policies or programs would be targeted better and would perform better. And that is a good thing, especially given the major budget deficit we are facing.

[English]

**Hon. Pamela Wallin:** I would like to adjourn the debate on this inquiry in my name, please.

**Hon. Roméo Antonius Dallaire:** Honourable senators, might I ask a question?

**Some Hon. Senators:** No.

**Senator Wallin:** The time is up.

**The Hon. the Acting Speaker:** We have 50 seconds. Yes, we have time for part of the question.

[Translation]

**Senator Dallaire:** Honourable senators, I worked four years with the minister responsible for CIDA. Can you confirm that the programs we provide at the international level, in developing countries, must meet gender-based criteria?

**Senator Losier-Cool:** I thank the honourable senator for his question. Most countries already have gender-based analysis programs. However, I do not think that CIDA requires such programs. Perhaps it can, but if we included gender-based analyses in our legislation in Canada, all our programs and development assistance would have to reflect that.

**Senator Dallaire:** Honourable senators, we require it in developing countries, but do not do it here at home.

[English]

**Senator Wallin:** I would like to adjourn debate on this inquiry in my name.

(On motion of Senator Wallin, debate adjourned.)

## CANADA BORDER SERVICES AGENCY

### INQUIRY—DEBATE ADJOURNED

**Hon. Wilfred P. Moore** rose pursuant to notice of March 10, 2011:

That he will call the attention of the Senate to the Canada Border Services Agency, its operation and oversight.

He said: Honourable senators, I rise today to commence an inquiry into the operation of the Canada Border Services Agency, CBSA, and whether it requires an independent civilian oversight body.

The Canada Border Services Agency came into being on December 12, 2003 under Bill C-26, An Act to establish the Canada Border Services Agency. It was the product of changing times. The attention of the world was focused and remains focused today on security of nations and their citizens in the wake of the September 11, 2001 attacks on the United States of America and other attacks in the world. CBSA took over some of the responsibilities of Citizenship and Immigration Canada, the Canadian Food Inspection Agency and the Customs Revenue Agency.

The new agency assumed responsibility for 90 laws governing trade, travel and a major shift towards coordinating security at the border. In addition, the Minister of Public Safety was created in 2003, taking over some of the responsibilities of the Solicitor General in order to oversee the new domestic security department, Public Safety Canada.

CBSA today is composed of a president, seven vice presidents and eight regional directors. CBSA currently employs more than 12,000 people. Physically, the CBSA operates some 1,200 service locations, 119 border crossings, 3 sea ports, 3 mail centres and 4 detention centres. The agency has become truly a massive undertaking.

Operating under the purview of Canada's Department of Public Safety, CBSA is an important member of Canada's security intelligence infrastructure.

Currently in Canada, three of these security agencies are subject to independent oversight: the RCMP, the Canadian Security Intelligence Service and the Communications Security Establishment.

The RCMP has the Commission for Public Complaints Against the RCMP, which was created in 1988. The commission is an independent civilian body that investigates complaints and reports to Parliament through the Minister of Public Safety. We are currently awaiting changes to the commission to better enable civilian oversight of the force. We wait to see what shape or form the change in the commission will take.

CSIS activities are monitored by the Inspector General of the Canadian Security Intelligence Service who is appointed by Canada and reports to the deputy minister of the Department of Public Safety. The Inspector General is:

... charged with monitoring compliance and operational policies, reviewing operational activities and evaluating reports provided by the Director of CSIS to the Minister of Public Safety and Preparedness.

In addition, there exists the Security Intelligence Review Committee, which is independent and reports to Parliament through the Minister of Public Safety annually. It can investigate individual claims against CSIS.

• (2150)

The Communication Security Establishment was created in 1946 to:

... provide the Government of Canada with two key services: foreign signals intelligence in support of defence and foreign policy, and the protection of electronic information and communication.

In 1996, the Office of the Security Establishment Commissioner came into being with the mandate of investigating the complaints against the CSE, and monitoring compliance of the CSE with Canadian law. An annual report is submitted to Parliament through the Minister of Public Safety.

I would argue that the CBSA, as a full-fledged member of the Canadian security establishment, should be subjected to the same independent oversight as those security agencies mentioned above.

Another very important reason to create an oversight body for CBSA is the ongoing "security perimeter" talks between Canada and the United States. Information as to exactly what Canadians are entering into with the United States is not easily obtained. The



Minister of Public Safety continues to claim cabinet confidence regarding the perimeter, which, of course, means Canadians have no right to know anything about a deal which could potentially affect our sovereignty vis-à-vis the United States of America.

We are told by the government that consultation with Canadians has been initiated, but how can Canadians be expected to provide their opinions when there is no information about the security perimeter on which one could base his or her comments?

What Canadians can be sure of is that Bill C-42, which we recently debated in this chamber, will require further exchange of information between our two countries in an effort to facilitate the cross-border movement of people and goods.

All of these developments are troubling to the extent that CBSA will presumably be the lead agency dealing with the security perimeter. CBSA will likely be gathering data on our citizens and sharing it to some extent with the American authorities.

The recourse that Canadians would have to complain about treatment received at the hands of CBSA staff would rest, as it stands, internally with CBSA. That is not an acceptable situation in light of a broader security perimeter between Canada and the United States.

Canadians deserve a more accountable, independent avenue for redress, which currently does not exist.

The international situation provides a number of good examples which Canada can look to for inspiration in creating a watchdog for the CBSA.

The United Kingdom, for example, has created an oversight body to monitor its equivalent of the CBSA, the United Kingdom Border Agency. Termed the chief inspector of the U.K. border agency, the position was created in 2008. According to the U.K. Border Agency:

The role of the Chief Inspector was created to provide an independent, external assessment of the agency... the Chief Inspector is independent of both the agency and the Home Office, and reports directly to the Home Secretary.

The chief inspector does not actually deal directly with individual complaints, but he does review the process in such areas as monitoring the ways citizens might lodge complaints with the border agency, making sure that the response to these complaints by the border agency meets set standards, and making sure that any changes to the border agency constitute improvements.

The chief inspector makes inspections of the border agency's operations, files, sites, et cetera, and reports are issued identifying perceived problems. The agency, in turn, provides regular updates to the chief inspector, as well as updates on how it is dealing with suggested improvements provided by the office of the chief inspector.

All of these reports issued by the chief inspector are published online, as are the responses from the border agency.

The Australians have a Commonwealth ombudsman responsible for monitoring:

... administrative actions of the Australian government agencies and officers.

The Australian Customs and Border Protection Service falls under the oversight of this office. The ombudsman has the ability to launch investigations in response to civilian complaints, and reports can be issued with the ombudsman's findings which are forwarded to the agency or office in question and the relevant minister of the Crown. If the recommendations are rejected by the agency in question, the ombudsman is empowered to present the report to the Prime Minister and to Parliament.

The Commonwealth ombudsman presented a report on the Australian Border Agency in 2010, in response to many complaints made by citizens, which resulted in 10 recommendations being made to improve service by the agency, seven of which were adopted. The ombudsman does a follow-up report on implementation within six months of his recommendations.

I present these two examples of independent oversight because of their context in being members of the Commonwealth and the further similarity of their Westminster-style parliaments. I think these two countries provide excellent examples of what we should be considering in creating an independent oversight of the CBSA.

While complaints against government departments are by no means rare in a democracy such as ours, the CBSA could learn a lot from the experiences of the RCMP.

As national security issues have assumed a major role in government policy since the West's response to the events of 9/11, Canada has had its fair share of heartache and triumph. The fine work of all of our security agencies has not gone unappreciated by Canadians, although we are in the dark as to a great deal of their labour.

Unfortunately, as is usually the case, we hear of the mistakes which have been made. In our case, that would be the case of Maher Arar, who, in 2002, was arrested in the United States and deported to Syria where he was tortured. It was then established that the RCMP had shared information about Mr. Arar with the Americans which led to his arrest.

In 2004, the Government of Canada was first to strike a public inquiry into these events, which took the form of the O'Connor Commission, which was tasked with:

Making any recommendations that he considers advisable on an independent, arm's length review mechanism for the activities of the Royal Canadian Mounted Police with respect to national security.

Indeed, in 2006, the commission of inquiry into the actions of Canadian officials in relation to Maher Arar reported its findings that the RCMP had:

... breached its own policies on information sharing, provided American authorities with inaccurate information about Mr. Arar, given unclear and misleading direction to its own investigators, failed to properly oversee its own

investigation of Mr. Arar, refused to support efforts of the Government of Canada to secure Mr. Arar's release from jail in Syria and had omitted facts when briefing our Privy Council Office and senior government officials.

I mention this to highlight my concern that the CBSA needs to protect itself in the form of an independent oversight body because, as the experiences of the RCMP demonstrate, these security agencies must be accountable to the people of Canada. The Canadian government itself stated, in response to the O'Connor Inquiry:

Effective and efficient review is critical to ensuring that national security activities remain appropriate, respect the law and inspire public confidence.

What better way to do so than to provide independent oversight for the CBSA? We have seen the slippery slope of self-monitoring. I would argue that independent oversight would contribute to preventing unfortunate events like those which the RCMP experienced.

This is not an unfounded belief by any means. Access to information requests by *The Toronto Star* showed that 1,428 complaints were filed against the CBSA in 2008-09, and 1,600 the year before. When dealing with Canadian and American citizens at the border, as well as other nationalities at points of entry, the CBSA must be seen to fulfil the government's own objectives to:

... ensure that national security activities remain appropriate, respect the law and inspire public confidence.

That public confidence can only stem from an independent oversight body which can provide the monitoring of the CBSA and which will protect the agency and the people it serves.

It may be instructive for me to mention some instances involving innocent visitors and/or returnees to Canada, which, I suggest, clearly demonstrate the need for civilian oversight of CBSA.

Let me begin in detail with the case of an elderly American yachtsman who singlehandedly sailed into Canso, Nova Scotia on July 1, 2010. Upon learning that this historic port had no customs or immigration office, he contacted the RCMP. I should note that Canso does not have a CBSA office. If you arrive there from the sea, you can call CBSA for an inspection during civil service work hours, Monday to Friday, 8 a.m. to 4 p.m.

• (2200)

Despite all the hype about border security, this is the case at pretty much every port and cove in sea bound Nova Scotia. A member of the RCMP came and checked out the visitor's papers and yacht. Following his inspection and finding everything to be in order, the Mountie told him to report to the Canada Border Services Agency when he got to Halifax. He was headed on passage to Lunenburg, where his daughter and family planned to visit. On arriving at Halifax a few days later, the yachtsman officially reported to CBSA, and that is when his nightmare began.

Honourable senators, since he had arrived at a wrong port, armed border guards turned his world upside down. Searching for contraband, they confiscated his boat and tore it apart, throwing his food, stores, spare parts and gear all over the place and destroying an expensive refrigeration unit. "It was like vandals had got in and trashed the place," the skipper told Dan Leger, Director of News Content for *The Chronicle Herald* newspaper in Halifax.

Most upsetting was the unprofessional bullying behaviour towards, yelling at and intimidating the man whenever he protested their actions. They accused him of consorting with criminals in Vancouver, a port he had never visited. They repeatedly called him a liar and threatened him with jail. He was told he had no civil rights and they could do with him what they pleased.

The agents did not find any contraband but demanded he pay a \$1,000 penalty for landing at a wrong port. They gave him 24 hours to pay or he would face a \$30,000 fine. They said they had entered his name into a database so that wherever he goes, he will be under suspicion.

Honourable senators, Mr. Leger met the old sailor the following morning, after all this happened. The yachtsman was still deeply shaken and cast off his lines and got out of Canada as fast as the wind could take him. He had already cancelled his family visit to Lunenburg. "I will never come back here as long as I live," he said. "I had no idea Canada had become like this."

The sailor is a veteran of many border crossings around the world and felt his treatment by the CBSA was thuggish and illegal. Therefore, he pursued his case, appealing the fine and alleging harassment. Most important, he protested the border agents' threats to list him as a suspicion person.

It is reported in a letter dated December 14, 2010, the Recourse Directorate of the CBSA acknowledged the skipper's appeal but suggested it was not going far. It confirmed he is on their lookout list. I venture to say that few people in this chamber and elsewhere know of the Recourse Directorate or its operations. The letter says:

When there is a contravention of the *Customs Act*, it is the agency's policy to retain the record for a period of six years from the date of seizure. You may be referred for routine secondary examinations upon entering Canada.

That statement might sound bland and bureaucratic, but with the current atmosphere of paranoia at our borders, it could be much more ominous.

**The Hon. the Acting Speaker:** I regret to inform the honourable senator that his time has expired. Is he requesting additional time?

**Senator Moore:** I would like five more minutes, please.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to allow an additional five minutes?

**Senator Plett:** Yes.



**Senator Moore:** Thank you, Senator Plett.

Honourable senators, who is to say what other uses are made of those top secret databases? What distinction is made between a wayward yachtsman and a terrorist suspect?

The CBSA admits that "no prohibited goods were located." Therefore, you would think there would be no reason to place the man under suspicion, either for criminal or security reasons. Yes, he should have followed the rules to the letter. However, he did contact RCMP upon arriving in Canso and he did contact the Canada Border Services Agency as directed when he arrived in Halifax. In so doing, I would suggest he acted in a straightforward, respectful manner, as would be reasonably expected of a visitor to Canada.

Yet was he treated fairly, and is it just to have the same government agency act as police, investigator, prosecutor, judge and appeal court?

I commend Mr. Leger for his consummate reporting of this distasteful incident.

Again, unlike federal police and security agencies, there is no civilian oversight of the CBSA. This is simply wrong. No agency should have the power to search, detain, arrest, charge and punish without some kind of oversight. People should not be labelled suspicious on the whims of individual border guards.

There are numerous other incidents involving complainants who wrote to the CBSA regarding their complaints. These incidents are set out in documents released by the CBSA under the Access to Information Act. Time does not allow me to speak to them in detail, but I can assure honourable senators that they are as unsavoury as those experienced by our friendly American yachtsman.

I acknowledge there are thousands of border entries at Halifax and across Canada every day that occur without incident. That said, even one of these such bullying, discourteous incidents is one too many. I therefore repeat what I said earlier: No agency should have the power to search, detain, arrest, charge and punish without some kind of oversight. People should not be labelled as suspicious on the whims of border guards.

There is a very fine balance to be struck. After all, safety and security at the expense of civil rights of our society was not the conclusion anyone sought. We are supposed to be defending our rights and freedoms against terrorists. Suspending those rights and freedoms to the point where citizens can be abused without due process is not a victory against terrorism.

I think we can do both. We can protect our citizens and their rights while fighting terrorism at the same time. The ability to do so is what separates us from the terrorists.

Appeals should be heard by an independent open body with the power to order recourse. This is a simple democratic principle that applies to every inch of Canadian soil, including borders. It is time to put in place an independent civilian body to provide oversight of the Canada Border Services Agency.

I hope that my fellow honourable senators will provide their opinions and insights on this issue to make this a better, safer Canada.

**Hon. Donald Neil Plett:** Honourable senators, I would like to offer my opinions at some future date, so I will adjourn the debate in my name.

(On motion of Senator Plett, debate adjourned.)

(The Senate adjourned until Wednesday, March 23, 2011, at 1:30 p.m.)

## CONTENTS

Tuesday, March 22, 2011

|   | PAGE |  | PAGE |
|---|------|--|------|
| <b>Budget Speech</b>  |      | <b>Agriculture and Agri-Food</b>   |      |
| Accommodation for Senators in Commons Gallery.  |      | Agricultural Research and Innovation.  |      |
| The Hon. the Speaker. . . . .   | 2059 | Hon. Catherine S. Callbeck. . . . .  | 2064 |
|   |      | Hon. Marjory LeBreton . . . . .  | 2064 |
| <hr/>   |      | <b>Human Resources and Skills Development</b>  |      |
| <b>SENATORS' STATEMENTS</b>   |      | Service Canada Centres in Atlantic Canada—Official Languages.  |      |
| <b>Official Languages in Atlantic Canada</b>  |      | Hon. Maria Chaput . . . . .  | 2064 |
| Hon. Percy Mockler . . . . .  | 2059 | Hon. Marjory LeBreton . . . . .  | 2065 |
| <hr/>   |      |  |      |
| <b>Women in Africa</b>  |      | <b>ORDERS OF THE DAY</b>   |      |
| Hon. Mobina S. B. Jaffer . . . . .  | 2059 | <b>Business of the Senate</b>  |      |
| <b>The Late Honourable Shahbaz Bhatti</b>   |      | Hon. Gerald J. Comeau . . . . .  | 2065 |
| Hon. Salma Ataullahjan . . . . .  | 2060 | <b>Canadian Forces Members and Veterans Re-establishment and Compensation Act</b>                          |      |
| <b>International Day of La Francophonie</b>   |      | <b>Pension Act (Bill C-55)</b>   |      |
| Hon. Claudette Tardif . . . . .   | 2060 | Bill to Amend—Second Reading.  |      |
| <b>2011 Tim Hortons Brier Curling Championship</b>  |      | Hon. Donald Neil Plett. . . . .  | 2065 |
| Congratulations to Team Manitoba.   |      | Hon. Joseph A. Day. . . . .  | 2067 |
| Hon. Donald Neil Plett. . . . .   | 2061 | Hon. Roméo Antonius Dallaire. . . . .  | 2067 |
|   |      | Referred to Committee.   |      |
| <hr/>   |      | Hon. Donald Neil Plett. . . . .  | 2069 |
| <b>ROUTINE PROCEEDINGS</b>  |      | Hon. Roméo Antonius Dallaire. . . . .  | 2069 |
| <b>Information Commissioner</b>   |      | <b>The Estimates, 2011-12</b>  |      |
| Part I of Special Report Tabled. . . . .  | 2061 | Eleventh Report of National Finance Committee Presented.   |      |
| <b>Study on National Security and Defence Policies</b>  |      | Hon. Joseph A. Day. . . . .  | 2069 |
| Seventh Report of National Security and Defence Committee Tabled.   |      | <b>Freezing Assets of Corrupt Foreign Officials Bill (Bill C-61)</b>                                       |      |
| Hon. Pamela Wallin . . . . .  | 2061 | Third Reading.   |      |
| <b>Corrections and Conditional Release Act (Bill C-59)</b>  |      | Hon. A. Raynell Andreychuk . . . . .   | 2070 |
| Bill to Amend—Nineteenth Report of Legal and Constitutional Affairs Committee Presented.                    |      | Hon. Percy E. Downe. . . . .   | 2070 |
| Hon. Joan Fraser. . . . .   | 2061 | Hon. Joseph A. Day. . . . .  | 2071 |
| <b>The Senate</b>   |      | <b>The Senate</b>  |      |
| Notice of Motion to Extend Wednesday Sitting and Authorize Committees to Meet During Sitting of the Senate. |      | Motion to Extend Wednesday Sitting Adopted and Committees Authorized to Meet During Sitting of the Senate. |      |
| Hon. Gerald J. Comeau . . . . .   | 2062 | Hon. Gerald J. Comeau . . . . .  | 2072 |
| Hon. Claudette Tardif . . . . .   | 2062 | <b>National Security and Defence</b>   |      |
| <b>Queen's University at Kingston</b>   |      | Committee Authorized to Meet During Sitting of the Senate.   |      |
| Private Bill to Amend Constitution of Corporation—First Reading.  |      | Hon. Pamela Wallin . . . . .   | 2072 |
| Hon. Lowell Murray . . . . .  | 2062 | <b>The Estimates, 2010-11</b>  |      |
| <b>Importance of Literacy</b>   |      | Supplementary Estimates (C)—Tenth Report of National Finance Committee Adopted.                            |      |
| Notice of Inquiry.  |      | Hon. Joseph A. Day. . . . .  | 2072 |
| Hon. Catherine S. Callbeck. . . . .   | 2062 | Hon. Irving Gerstein . . . . .   | 2075 |
|   |      | Hon. Tommy Banks. . . . .  | 2077 |
| <hr/>   |      | Hon. Percy E. Downe. . . . .   | 2077 |
| <b>QUESTION PERIOD</b>  |      | <b>Canadian Forces Members and Veterans Re-establishment and Compensation Act</b>                          |      |
| <b>Foreign Affairs</b>  |      | <b>Pension Act (Bill C-55)</b>   |      |
| Libya.  |      | Bill to Amend—Declaration of Private Interest.   |      |
| Hon. Roméo Antonius Dallaire. . . . .   | 2062 | Hon. Roméo Antonius Dallaire. . . . .  | 2078 |
| Hon. Marjory LeBreton . . . . .   | 2062 | <b>Patent Act (Bill C-393)</b>   |      |
| Responsibility to Protect.  |      | Bill to Amend—Second Reading—Debate Continued.   |      |
| Hon. Roméo Antonius Dallaire. . . . .   | 2063 | Hon. Nancy Ruth . . . . .  | 2078 |
| Hon. Marjory LeBreton . . . . .   | 2063 | Hon. Roméo Antonius Dallaire. . . . .  | 2079 |
| Hon. A. Raynell Andreychuk . . . . .  | 2064 | Hon. James S. Cowan. . . . .   | 2080 |
|   |      | <b>National Holocaust Monument Bill (Bill C-442)</b>   |      |
|   |      | Second Reading.  |      |
|   |      | Hon. Joan Fraser. . . . .  | 2081 |
|   |      | Referred to Committee. . . . .   | 2082 |



|  | PAGE |
|--|------|
| <b>Supreme Court Act (Bill C-232)</b>  |      |
| Bill to Amend—Second Reading.  |      |
| Hon. Michael A. Meighen . . . . .  | 2082 |
| Hon. Bob Runciman . . . . .  | 2085 |
| Hon. Gerald J. Comeau . . . . .  | 2087 |
| Hon. Claudette Tardif . . . . .  | 2087 |
| Hon. Joan Fraser . . . . .   | 2087 |
| Hon. John D. Wallace . . . . .   | 2088 |
| Referred to Committee . . . . .  | 2091 |
| <b>Business of the Senate</b>  |      |
| Hon. Gerald J. Comeau . . . . .  | 2091 |
| Hon. Claudette Tardif . . . . .  | 2091 |
| <b>Study on Application of Official Languages Act and Relevant Regulations, Directives and Reports</b>         |      |
| Fourth Report of Official Languages Committee and Request for Government Response Adopted.                     |      |
| Hon. Maria Chaput . . . . .  | 2091 |
| <b>Study on Costs and Benefits of One-cent Coin</b>  |      |
| Eighth Report of National Finance Committee—Debate Continued.  |      |
| Hon. Richard Neufeld . . . . .   | 2092 |
| <b>Study on Statutory Review of the Business Development Bank of Canada</b>                                    |      |
| Seventh Report of Banking, Trade and Commerce Committee Adopted.   |      |
| Hon. Michael A. Meighen . . . . .  | 2093 |
| <b>Study on Rise of China, India and Russia in the Global Economy and the Implications for Canadian Policy</b> |      |
| Eighth Report of Foreign Affairs and International Trade Committee—Debate Adjourned.                           |      |
| Hon. A. Raynell Andreychuk . . . . .   | 2095 |

|   | PAGE |
|---|------|
| <b>Rules, Procedures and the Rights of Parliament</b>   |      |
| Fourth Report of Committee—Debate Adjourned.  |      |
| Hon. David P. Smith . . . . .   | 2095 |
| Hon. Terry Stratton . . . . .   | 2096 |
| Hon. Pierre De Bané . . . . .   | 2097 |
| <b>Government Promises</b>  |      |
| Inquiry—Debate Continued.   |      |
| Hon. Céline Hervieux-Payette . . . . .  | 2097 |
| <b>Contraband Tobacco</b>   |      |
| Inquiry—Debate Concluded.   |      |
| Hon. Tommy Banks . . . . .  | 2098 |
| <b>Importance of Canada's Oil Sands</b>   |      |
| Inquiry—Debate Continued.   |      |
| Hon. Patrick Brazeau . . . . .  | 2100 |
| <b>The Senate</b>   |      |
| Motion to Condemn Attacks on Worshippers in Mosques in Pakistan and to Urge Equal Rights for Minority Communities—Debate Continued. |      |
| Hon. Mobina S. B. Jaffer . . . . .  | 2103 |
| Hon. Gerald J. Comeau . . . . .   | 2104 |
| <b>Sustainable Development Technology</b>   |      |
| Inquiry—Debate Continued.   |      |
| Hon. Claudette Tardif . . . . .   | 2104 |
| <b>Need for Gender-Based Approach to Budgetary and Fiscal Processes of Federal Government</b>                                       |      |
| Inquiry—Debate Adjourned.   |      |
| Hon. Rose-Marie Losier-Cool . . . . .   | 2104 |
| Hon. Pamela Wallin . . . . .  | 2106 |
| Hon. Roméo Antonius Dallaire . . . . .  | 2106 |
| <b>Canada Border Services Agency</b>  |      |
| Inquiry—Debate Adjourned.   |      |
| Hon. Wilfred P. Moore . . . . .   | 2107 |
| Hon. Donald Neil Plett . . . . .  | 2110 |





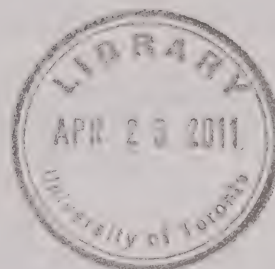


*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5





CANADA



# Debates of the Senate

---

3rd SESSION

• 40th PARLIAMENT

• VOLUME 147

• NUMBER 97

---

OFFICIAL REPORT  
(HANSARD)

Wednesday, March 23, 2011



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Wednesday, March 23, 2011

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

### ROYAL ASSENT

#### NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

#### RIDEAU HALL

March 23, 2011

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, will proceed to the Senate Chamber today, the 23rd day of March, 2011, at 3:00 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Stephen Wallace

The Honourable  
The Speaker of the Senate  
Ottawa

---

## SENATORS' STATEMENTS

### L'ORDRE DE LA PLÉIADE

#### CONGRATULATIONS TO RECIPIENTS

**Hon. Rose-Marie Losier-Cool:** Honourable senators, today I would like to draw your attention to the ceremony to honour recipients of the Ordre de la Pléiade, which was held here on Parliament Hill, on the evening of Monday, March 21.

The Ordre de la Pléiade, created in 1976 by the Assemblée parlementaire de la Francophonie, honours individuals who have distinguished themselves in promoting the cooperation and friendship ideals of the international Francophonie.

This year, 15 Canadians were honoured by the Ordre de la Pléiade, including four proud Acadians from New Brunswick, whom I would like to sincerely thank for their contributions to the vitality of my beloved Acadia.

The celebrated Antonine Maillet, already a Chevalier in the Ordre de la Pléiade for thirty years, was promoted to the rank of Officier. The Honourable Antonine Maillet, a renowned author

and playwright, the only Canadian winner of the prestigious Prix Goncourt, created, among others, the unforgettable character La Sagouine. I am proud to congratulate her on this new honour, just one more in her long career.

I would also like to warmly congratulate the Honourable Herménégilde Chiasson, a former lieutenant governor of my province, New Brunswick, who is, above all, a prolific and highly-regarded multidisciplinary artist with equal talents as a writer, playwright, filmmaker and painter. I wish to congratulate him from the bottom of my heart, on behalf of all Acadians, for being awarded the rank of Chevalier de l'Ordre de la Pléiade.

Another Acadian from the Atlantic provinces to be named a Chevalier de l'Ordre is Françoise Enguehard, who chairs the Société nationale de l'Acadie. Originally from France, from St-Pierre et Miquelon, and now living in St. John's, Newfoundland, Ms. Enguehard is also an author, in addition to working in communications. Her efforts to defend the French language and francophone culture in Acadia and Canada deserve our deepest admiration.

The last of the Acadians to be awarded the Ordre la Pléiade in 2011 is the historian Robert Pichette. This newly appointed Chevalier has enjoyed a long and rich career as a journalist and former chief of staff to Louis J. Robichaud, a former premier of my province and former senator who did so much for our Acadia. Robert Pichette, for his part, made an important contribution to New Brunswick's Official Languages Act and the cause of official languages in general.

I warmly applaud these four proud Acadians, and I would also like to congratulate the 11 other recipients of the Ordre de la Pléiade, including Chief Justice of the Supreme Court, Beverley McLachlin.

I would also like to congratulate the organizer and host of the ceremony, the Chair of the Canadian Branch of the Assemblée parlementaire de la Francophonie, my honourable colleague, Senator Champagne, who was, quite simply, perfect.

[English]

### THE LATE WILLIAM LENNOX ROWE THE LATE WILLIAM MAURICE LEE THE LATE NOEL VILLENEUVE

**Hon. Lowell Murray:** Honourable senators, the obituary notices in the daily press contain much history, including a lot of political and parliamentary history. For those of us who are of an advanced age and need no further reminder of impending mortality, too much of that history is already part of our own past lives.

Yesterday's news brought three such reminders to me and others of, or approaching, my vintage. William Lennox Rowe, 88, a Second World War air force veteran and a highly successful



businessman and sportsman, notably in the field of harness racing in Ontario, had also been prominent in the affairs of the Progressive Conservative Party for many years. He had served at the party's national headquarters in Ottawa even before the Diefenbaker years, and his role is chronicled in the political literature of that era, including in Dalton Camp's memoir, *Gentlemen, Players and Politicians*.

He was a brother of Jean Casselman Wadds, former member of Parliament, former Canadian High Commissioner to the U.K. and former royal commissioner here. Their father was the late Honourable Earl Rowe, a Tory cabinet minister in the 1930s who served later as Lieutenant-Governor of Ontario.

• (1340)

William M. Lee, 86, also a Second World War veteran, was a leading Liberal figure on Parliament Hill for several decades. He came to national prominence as executive assistant to the Honourable Paul Hellyer, Minister of National Defence in the Pearson government. Bill Lee's friendships and acquaintances went well beyond his own party, and his service extended beyond the political to a wide variety of community and charitable causes to which he gave generous leadership and support.

Finally, I note with a mixture of sadness and many pleasant memories, the passing of Noel Villeneuve at 89. For some years, he was assistant manager of our parliamentary restaurant. He is remembered as a fine gentleman who personified the good manners, high standards and hospitality that is a tradition in that place. One of the busboys under his supervision was Don Boudria who went on to other employment on the Hill.

These three, whose obituaries appeared in yesterday's media, were part of the Ottawa political and parliamentary family in days gone by. I would not want to see their passing go unremarked on the Hill, where succeeding generations are the beneficiaries of their service.

### THE LATE DR. NAIRN KNOTT

**Hon. Yonah Martin:** Honourable senators, I rise to pay tribute to a true Canadian hero, Dr. Nairn Knott, born in Nanaimo, B.C. on November 14, 1920. On March 13, 2011, surrounded by his loving family, his children, Janet, Buz and Lyall; their spouses, George Hungerford, Wendi Copeland and Susan; his grandchildren, Geordie, Michael, Drew and Janie; his three great grandchildren; and his one and only love of 68 years, Jane, nee Murdoch, Dr. Knott passed away peacefully at the Vancouver General Hospital, the very place where he was one of the attending staff for 42 years.

Dr. Knott was a highly regarded physician whose bedside manner was legendary, as were his early morning hospital visits to see his patients. He practiced medicine with great compassion and understanding. His life was one of service.

[Translation]

He decided at a young age that he wanted to become a doctor. He obtained his degree from Columbia University and completed his medical studies at New York Medical College. He received his

commission in the U.S. Navy Medical Corps in 1942. After completing his medical training, he served in the Pacific where he was decorated for his role in the liberation of Hong Kong and of the Philippines. He was awarded a Battle Star for his participation in the war against Japan.

[English]

In August of 1945, he was a member of the Allied Command that accepted the surrender of the Imperial Japanese Navy. In 1948, he returned to active duty in the Navy to pursue studies for his chosen specialty of Internal Medicine.

It is impossible to capture the breadth of someone's life in a brief statement. I would be merely scratching the surface of Dr. Knott's illustrious medical or military career or his leadership role in numerous organizations.

[Translation]

Dr. Knott was a member of the Conservative Party for many years; he encouraged his family, including his youngest son, Lyall, to also become members. I had the honour of meeting Dr. Nairn Knott for the first time in the fall of 2010, with Lyall. I met Lyall through politics, and I simply knew him as an eminent Conservative from British Columbia.

[English]

Last summer, at Senator St. Germain's home, Lyall and I had a conversation about the motion to "recognize and endorse July 27th annually as National Korean War Veterans Day," which we unanimously passed on June 8, 2010. Lyall's father, Dr. Knott, is one of the Second World War veterans who also answered the call to serve in the Korean War. Like other Second World War veterans with knowledge, skill and nerves of steel that only direct experience can produce, Dr. Knott added invaluable depth and strength to the military might of the Allied forces.

A few months later, Lyall arranged for me to visit his parents' home. I will remember Dr. Knott, a Canadian hero, whose legacy also includes the Republic of Korea's meteoric rise to economic prosperity and the lives of millions of people of Korean descent and their successes, including mine. We are indebted to Dr. Knott and all veterans of the Korean War for our lives.

In 1950, when war broke out on the Korean peninsula, he volunteered to go to Korea. Dr. Knott left his home, practice, family —

**The Hon. the Speaker:** I regret to inform the honourable senator that her time under Senators' Statements has expired.

### NEWFOUNDLAND AND LABRADOR

#### SIXTY-SECOND ANNIVERSARY OF CONFEDERATION

**Hon. Elizabeth (Beth) Marshall:** Honourable senators, it was believed for centuries that the island of Newfoundland had been discovered in 1497 by John Cabot. However, history was rewritten in the last century. Archaeological explorations indicated that Aboriginal cultures lived in Newfoundland and Labrador 7,000 to 9,000 years ago.

[ Senator Murray ]

Also, in 1960, a Norwegian explorer and his archaeologist wife determined that the mounds and lumps at the L'Anse aux Meadows on the northern tip of Newfoundland are the remains of Norse settlements from 1,000 years ago.

Honourable senators, Newfoundland and Labrador has a rich history and unique culture. Many explorers explored Newfoundland in its early days. The names of Leif Ericsson, John Cabot, Sebastian Cabot, Corte Real, Jacques Cartier, Sir Humphrey Gilbert and Captain James Cook are all found in the history books of Newfoundland and Labrador.

Over the centuries, Great Britain, France, Spain and Portugal benefited from the richness of the Newfoundland fisheries.

In the early 1930s, a royal commission was established to examine Newfoundland's political and economic history. It recommended a commission of government to govern Newfoundland. In 1934, Newfoundland voluntarily relinquished the right to govern itself. The Commission of Government lasted in Newfoundland for 15 years until 1949.

The idea that Newfoundland might join Canada was discussed as early as the 1800s. Despite Newfoundland's close relationship with Great Britain and the United States, the first referendum on union with Canada was held on June 3, 1948. The referendum did not result in enough votes to support Confederation.

The second referendum on union with Canada was held on July 22, 1948, and resulted in 78,000 votes for Confederation and 71,000 votes for responsible government.

The closeness of the vote, 52 per cent for Confederation and 48 per cent against Confederation, is still discussed and debated in Newfoundland and Labrador today.

The terms of union were approved by the House of Commons on February 16, 1949, and by the Senate of Canada on February 17, 1949. The British Parliament approved the enabling legislation on March 23, 1949. On March 31, 1949, the province of Newfoundland and Labrador became the tenth province of the country of Canada.

Honourable senators, next Thursday, March 31, marks the sixty-second anniversary of Newfoundland and Labrador's entry into the Canadian Confederation. Please join me in recognizing this historic occasion.

[Translation]

## OFFICIAL LANGUAGES IN ATLANTIC CANADA

**Hon. Maria Chaput:** Honourable senators, I wish to draw your attention today to a petition that has been circulating for the past few days. The signatories are denouncing Service Canada's decision to designate Atlantic Canada as a unilingual English administrative region. More than 5,800 people have signed the petition so far. A young Acadian woman from the village of Chiasson on the Acadian Peninsula of New Brunswick started this petition on March 15, 2011, with the goal of collecting 5,000 signatures. That goal was quickly reached and exceeded in just a few days. The Acadian and francophone youth in Atlantic

Canada, concerned about the consequences of this new administrative designation of their region, quickly became interested in this matter. They are motivated by a desire to protect their language, French. The concern of the Acadians and francophones in Atlantic Canada quickly spread to the west where many francophones in minority situations are today expressing their solidarity with their eastern cousins.

It warms my heart to see Acadians and French-Canadians realizing that they share common interests with regard to language, and understanding that a loss for Acadia is a loss for French Canada.

These thousands of Acadians, francophones and francophiles are not alone in their concern. I want to point out that the Canada Employment and Immigration Union, which represents more than 19,000 employees in the federal public service, has declared the designation of Atlantic Canada as a unilingual English administrative region as, and I quote:

... a sad but all-too-predictable result of Service Canada's recent decision to amalgamate the region's four provincially-based administrative units into one entity;

... the decision effectively makes second class citizens of the half-million French-speaking citizens of Atlantic Canada.

• (1350)

Honourable senators, the Acadians, francophones and francophiles who signed the petition I referred to, and the Service Canada staff of the new Atlantic Canada administrative region, strongly support the right of francophones to receive public services in their language.

[English]

## JUVENILE ARTHRITIS AWARENESS MONTH

**Hon. Catherine S. Callbeck:** Honourable senators, one in six Canadian adults is affected by arthritis. It is the leading cause of long-term disability in Canada and costs the Canadian economy over \$4.4 billion each year.

We think of arthritis as a disease of the elderly; however, juvenile arthritis, or JA, is one of the most common chronic illnesses affecting children. Juvenile arthritis affects one in 1,000 Canadian children under the age of 16 years.

Honourable senators, to help Canadians better understand this disease, the Arthritis Society has designated March as Juvenile Arthritis Month. During the month of March, activities, outreach programs and fundraising activities across the country are taking place to provide monies for services and research. These fundraising drives help to provide educational programs and services, as well as support research projects to help find better treatments for arthritis.

In my home province, the Prince Edward Island division of the Arthritis Society is holding its annual Go Blue and Give Too! campaign for schools and businesses. It encourages people to wear something blue — a blue shirt, blue socks, or even blue suede shoes — in support of Go Blue Day.



Alex Compton from Summerside, whose juvenile arthritis is thankfully in remission, has persuaded his school to make the whole month of March “blue” in order to raise \$2,000 in support of the Arthritis Society in P.E.I. One of his teachers, who herself has rheumatoid arthritis, has even pledged to dye her hair blue if Alex succeeds. I wish all those participating in the Go Blue and Give Too! campaign the best of luck in reaching their goals.

Honourable senators, no one knows what causes arthritis, but scientists have been making real progress. More and more effective therapies have been discovered in recent years. Something can be done to manage most forms of arthritis, which helps to ensure that those who suffer from the various forms of arthritis are able to cope, live comfortably and participate in society. However, it is important that we continue to support research into this disorder. This is the only way to discover new and better forms of treatment and to perhaps someday prevent arthritis altogether.

Honourable senators, I would like to commend the Arthritis Society, all its divisions in the provinces and territories, and its staff and volunteers for the difference they are making. I wish them the very best in their work to eliminate juvenile arthritis.

[Translation]

## ROUTINE PROCEEDINGS

### BUDGET 2011

#### DOCUMENTS TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, Budget 2011 entitled: *A Low-Tax Plan for Jobs and Growth*.

[English]

#### STUDY ON MATTERS RELATING TO ANTI-TERRORISM

##### THIRD REPORT OF SPECIAL COMMITTEE ON ANTI-TERRORISM TABLED

**Hon. Serge Joyal:** Honourable senators, on behalf of the Honourable Senator Segal and as Deputy Chair of the committee, I have the honour to table, in both official languages, the third report, interim, of the Special Senate Committee on Anti-terrorism, entitled: *Security, Freedom and the Complex Terrorist Threat: Positive Steps Ahead*.

(On motion of Senator Joyal, report placed on the Orders of the Day for consideration, two days hence.)

[ Senator Callbeck ]

[Translation]

## THE SENATE

### MOTION TO PHOTOGRAPH ROYAL ASSENT CEREMONY ADOPTED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That photographers and cameras be authorized in the Senate Chamber to photograph and record today's Royal Assent Ceremony with the least possible disruption of the proceedings.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

[English]

## FINANCIAL ADMINISTRATION ACT

### BILL TO AMEND—FIRST READING

**Hon. Lowell Murray:** Honourable senators, in view of the fact that the budget has indicated that the government will be headed to the markets to borrow at least \$34 billion this year, I have the honour to introduce Bill S-229, An Act to amend the Financial Administration Act (borrowing of money).

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

(On motion of Senator Murray, bill placed on the Orders of the Day for second reading two days hence.)

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, I wish to draw the attention of honourable senators to the *Rules of the Senate of Canada*, which state that no electronic device that makes a noise is allowed in the chamber.

### CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

#### ANNUAL MEETING OF SOUTHERN GOVERNORS' ASSOCIATION, AUGUST 27-30, 2010—REPORT TABLED

**Hon. Janis G. Johnson:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States

Inter-Parliamentary Group to the Seventy-sixth Annual Meeting of the Southern Governors' Association, held in Birmingham, Alabama, United States of America, from August 27 to 30, 2010.

[Translation]

## BUDGET 2011

### NOTICE OF INQUIRY

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, on behalf of the government, I give notice that, two days hence:

I will call the attention of the Senate to the budget entitled, *A Low-Tax Plan for Jobs and Growth*, tabled in the House of Commons on March 22, 2011, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on March 23, 2011.

## LIBYA

### NOTICE OF INQUIRY

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, on behalf of the government, I give notice that, two days hence:

I will call the attention of the Senate to the deplorable use of violence by the Libyan regime against the Libyan people as well as the actions the Canadian Government is undertaking alongside our allies, partners and the United Nations, in order to promote and support United Nations Security Council Resolution 1973.

[English]

## QUESTION PERIOD

### FINANCE

#### BUDGET 2011

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question is to the Leader of the Government in the Senate.

Yesterday in the budget, we saw, once again, that the government is out of touch with Canadians and still refuses to come clean with Canadians about its spending plans. We saw a budget that completely ignores major spending items by this government, such as tens of billions of dollars for jets, jails and corporate tax cuts.

The Parliamentary Budget Officer says that their stealth fighter jets alone will cost \$30 billion. That is \$1,000 for every man, woman and child in this country. Today, the Parliamentary Budget Officer, established by this government, issued a second report saying that he stands by his numbers, which were contradicted by the government.

• (1400)

This Prime Minister has lost touch with Canadians. Does he really think that Canadians prefer \$30 billion for fighter jets instead of investments in health care or daycare?

**Hon. Marjory LeBreton (Leader of the Government):** Thank you, Senator Cowan. The Parliamentary Budget Officer obviously has figures that he believes are correct. As the government, we also believe that we tabled all the proper figures in the House of Commons.

I remind the honourable senator that the aircraft contract is over a long period of time. This is a program to replace the CF-18s, which are obviously needed as we witness what is happening in Libya today.

The short answer to the honourable senator's question is that we are focused on jobs and economic growth, and not on wasting \$300 million of taxpayers' money on an unnecessary election and denying seniors, volunteer firefighters and a host of other people the benefits that they would have with the budget being passed.

**Senator Cowan:** Honourable senators, the leader raised the issue of seniors. She used to be the minister responsible for seniors. Her government spent more in a single day on the G20 than yesterday's budget would spend on seniors in an entire year.

**Some Hon. Senators:** Shame!

**Senator Cowan:** The government would spend a thousand times more on fighter jets than on post-secondary students, a thousand times more on prisons than for youth crime prevention programs, and nothing on affordable housing or child care. Canadian families and seniors have been abandoned by this government.

When will the government start to take action and listen to the priorities of Canadians?

**Senator LeBreton:** First, the honourable senator really has to stop having Scott Brison write his lines for him.

All governments have programs, including for national defence. Obviously, when the country hosts an international conference, there are costs associated with that.

Our government is clearly focused on the economy. We are still hopeful that the opposition will come to its senses and support the budget, which contains measures that the opposition has been requesting for years. We are focused on keeping taxes low and not giving into demands for massive tax increases. We will undertake targeted investments to support jobs and the economy.

With regard to seniors, I was Minister of State for Seniors and I am proud of the government's record on seniors. Since the honourable senator has given me the opportunity to do this, I will go over the government's record on seniors.

The next phase of *Canada's Economic Action Plan* introduces new measures to improve the quality of life and expand opportunities for Canadian seniors. It builds on the results our government has already taken with regard to seniors, and I will go through them now.



*Canada's Economic Action Plan* increased the Age Credit by \$1,000 for the second time, providing tax savings to 2.2 million seniors. The Economic Action Plan built on previous tax relief. We provided a \$1,000-increase in the Age Credit in 2006; the introduction of pension income splitting in 2007; and an increase in the age limit for maturing pensions and RRSPs from 69 to 71. We raised the GIS earnings exemption from \$500 to \$3,500, which helped 1.6 million seniors. The Old Age Security and GIS benefits provide almost \$37 billion per year to seniors. We introduced automatic renewal of GIS so that eligible seniors who file a tax return no longer have to apply each year. We are investing \$400 million in affordable housing for low-income seniors. We have increased funding for the Targeted Initiative for Older Workers.

In 2007, when I was the minister, we established the National Seniors Council. We launched a national awareness campaign on the very serious issue of elder abuse and we increased support for the New Horizons for Seniors Program.

With this budget, we are increasing the GIS by \$600 per year for single seniors and \$840 for couples. Again, we will increase the New Horizons for Seniors Program by another \$10 million.

**Senator Cowan:** I am glad I gave an opportunity to the leader to talk about the record of her government. I want to ask a further supplementary with respect to another aspect of the government's record.

The Speaker in the other place has issued three rulings against the Harper government, finding breaches of the fundamental rights of Parliament. This government is on the verge of being the first government in Canadian history, and perhaps the first government in the British Commonwealth, to be found in contempt of Parliament.

**Some Hon. Senators:** Shame!

**Senator Cowan:** Prime Minister Harper has shut down Parliament twice, once to avoid a vote of non-confidence. The RCMP has been called in twice within a week to investigate two former Conservative staffers, one of whom was a very close adviser and, indeed, at one time acting chief of staff to the Prime Minister. Four members of the Prime Minister's close inner circle are facing possible jail time for election fraud.

This Prime Minister has shown contempt for Canadians and contempt for parliamentary democracy. He broke his promises to Canadians. Given what has happened, why should Canadians trust anything this government will say in the next six weeks?

**Senator LeBreton:** First, I invite the honourable senator to say those things outside.

The fact of the matter is, only those people who watch the parliamentary system would know that in the case of the so-called "contempt of Parliament," our government tabled all the documents in accordance with the Speaker's ruling. We cannot help it if everything we release is never enough for the opposition. At the committee last week, the witnesses, including the former Clerk of the Privy Council, gave strong testimony that supported the position of the government.

The fact is, as the honourable senator well knows, it did not matter what the witnesses said or what the testimony was; it was a foregone conclusion that, in a minority Parliament where in committees the government is in the minority, the opposition would have written the report no matter what the witnesses said.

While I am on my feet, I must say that I have never, in the almost 50 years I have been around this place, seen a woman — nor anyone else, including any cabinet minister — subjected to the abuse that was meted out to my colleague Minister Oda.

**Some Hon. Senators:** Oh, oh!

**Senator Tkachuk:** Shame! Coalition Abuse!

**Senator LeBreton:** I dare say, had it been a Conservative making those comments about a Liberal minister, we would have been accused of being misogynists and racists.

**Some Hon. Senators:** Hear, hear!

**Hon. Jane Cordy:** It is a shame this government feels that democracy is a bother.

**Some Hon. Senators:** Oh, oh.

**Senator Cordy:** Honourable senators, after seeing this government's 2011 fiscal budget, it is clear to me how Mr. Harper plans to pay for the corporate tax cuts, the American-style prisons and the untendered F-35 fighter jet contracts.

**Some Hon. Senators:** Oh, oh.

**Some Hon. Senators:** Order!

**Senator Cordy:** He is paying for their out-of-touch agenda by cutting services to Atlantic Canada, with the closing down of Service Canada community sites across Atlantic Canada, with millions of dollars cut to Marine Atlantic, with millions of dollars cut to ACOA, with millions of dollars cut to the Department of Fisheries and Oceans, and with no mention anywhere of the Atlantic Gateway. That is what Atlantic Canadians saw in yesterday's budget.

**Some Hon. Senators:** Shame!

**Senator Cordy:** What are this government's priorities when it comes to Atlantic Canada?

• (1410)

**Senator LeBreton:** Honourable senators, obviously they did not read the budget.

If senators would like a good example of contempt of Parliament, yesterday, when the Minister of Finance stood up to deliver the budget, not one single leader of an opposition party was in the house.

**Senator Tkachuk:** That was contempt of Parliament!

**Senator LeBreton:** With regard to the Atlantic Gateway, as I have said recently, our government believes that the Atlantic region is uniquely poised to play a vital role in the Canadian economy. Our officials have had successful meetings with our provincial partners and they are pleased to announce the Atlantic Gateway and Trade Corridor strategy. Important strategic funding announcements enhancing key infrastructure projects have been made recently across Atlantic Canada, and we look forward to more in the future.

Our government is delivering an economic action plan that continues to stimulate economic growth, create jobs and support Canadian families. The government is taking action to help unlock the enormous potential of Atlantic Canada and all the people who so lovingly call it home.

We know the party opposite would increase spending recklessly, raise taxes and kill jobs, not only in Atlantic Canada but across the country as well.

**Senator Mitchell:** How can you say that! That is such a lie!

**An. Hon. Senator:** Watch it.

**Senator Tkachuk:** Watch what you say! You're in contempt.

**An Hon. Senator:** You're in contempt.

**Senator Tkachuk:** Say it out loud! Stand up and say it in front of the Speaker.

**Senator LeBreton:** I again urge the honourable senator to speak to her colleagues in the other place.

By the way, I have never seen a budget that has had so many positive reports.

**Senator Stewart Olsen:** Hear, hear!

**Some Hon. Senators:** Oh, oh!

**Senator LeBreton:** I will name a few: the Environmental Defence organization — I could read the quotes, but I will not, for the moment —

**Senator Dawson:** Oh, oh.

**Senator LeBreton:** Senator Mitchell, your imagination is about as large as you are, or whoever said it.

**An Hon. Senator:** That would be an insult to him.

**Senator LeBreton:** Oh, it was Senator Dawson. They all look the same.

**Senator Tkachuk:** You sound like Senator Mitchell, Senator Dawson.

**Senator LeBreton:** I will continue: the Grain Growers of Canada, the Canadian Cattlemen's Association, the Canadian Caregiver Coalition, the Canadian Home Care Association, the College Student Alliance, the Association of Universities and

Colleges, the Council of Ontario Universities, the Canadian Chamber of Commerce, the Canadian Federation of Independent Business, the Toronto Board of Trade —

**An. Hon. Senator:** More, more!

**Senator LeBreton:** This one, in particular, the association for the research and treatment of brain disorders, the Forest Products Association of Canada, the Federation of Canadian Municipalities, the Canadian Building Trades Association, and those are only a few.

I will be happy to read them all into the record if the honourable senator wishes me to do so.

**Senator Tkachuk:** Read them again.

**The Hon. the Speaker:** Order.

Honourable senators, the Speaker is having a hard time hearing. Senator Cordy has the floor.

**Senator Cordy:** I remind the Leader of the Government in the Senate that there is still no strategic plan for the Atlantic Gateway, and it is past due by at least a year and a half. I have asked questions about it many times. First, it was that the minister had changed. That was a long time ago. There is still no strategic plan for the Atlantic Gateway.

The budget plan is 352 pages long. Atlantic Canada, or a variation of it, is mentioned a total of five times. Of these five times, four are in reference to ACOA funding cuts. Four out of five mentions of Atlantic Canada are related to program cuts to ACOA. ACOA is a long-standing contributor to the economic development of Atlantic Canada, yet millions of dollars of funding have been cut from ACOA in this budget.

Would the leader tell us again, please, why Atlantic Canada is being shortchanged by this Conservative government?

**Senator LeBreton:** The honourable senator is using the same tactic that Senator Callbeck used yesterday with regard to so-called cuts in agriculture.

Certain funds under the economic stimulus were paid out over and above the general budgets of ACOA for that specific stimulus purpose. There were no cuts. The funding has returned to the normal level of funding.

Senator Cordy did not hear my answer to her first question. I will it repeat more slowly. Our government believes that the Atlantic region is uniquely poised to play a vital role in the company economy. Our officials have had successful meetings with our provincial partners, and they are pleased to announce the Atlantic Gateway and Trade Corridor strategy — “pleased” to announce, past tense — and important strategic funding announcements enhancing key infrastructure projects have recently been made across Atlantic Canada, a copy of which I will be happy to provide to the honourable senator. We are looking forward to more announcements in the future.

**Some Hon. Senators:** Hear, hear!



**Senator Cordy:** I heard what the leader said but I have a hard time believing it. I would ask the leader to table the strategy for the Atlantic Gateway. I ask again, is the leader telling honourable senators that there are no cuts to ACOA in this budget?

**Senator LeBreton:** I will be pleased to table a written answer to the honourable senator's last question.

[Translation]

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government in the Senate.

As you know, your government "generously" granted the province of Quebec the status of distinct society on November 27, 2006. That said, I do not need to remind you of the enormous contribution that Quebecers have made to culture on the national and international scene.

Take, for example, Quebec writers like Arlette Cousture, the author of the successful novel *Les Filles de Caleb*, which has sold over 300,000 copies worldwide; or Yann Martel, winner of the Man Booker Prize and the Prime Minister's "official book supplier." There are musical artists like Arcade Fire and Céline Dion, not to mention our filmmakers like Denys Arcand and Denis Villeneuve, who have won dozens of nominations and awards at a number of international film festivals. There is also the fabulous Xavier Dolan, who brought home an award from the prestigious Cannes Film Festival.

In our opinion, Quebec is indeed the cultural motor of the North American continent. It provides the entire world with a wide variety of unique cultural products, and they are not taxed in our province.

It should be noted that Quebecers pay an average of 25 per cent more for their cultural products than Canadians in other provinces because their market is smaller than the anglophone market — 330 million people versus 8 million on this part of the continent.

Recently, Ontario was granted several billion dollars for the GST. The previous Liberal government gave the Atlantic provinces close to a billion dollars, and British Columbia also received a very significant contribution for the GST. Quebec was expecting a contribution of \$2.2 billion in this budget as compensation for the GST/QST, which it collects under a decision made by a previous Liberal government. The government's refusal to grant Quebec this \$2.2 billion has made the Bloc Québécois and Quebec even more cynical; on one hand, the government recognizes Quebec as a distinct society but, on the other, it does not grant Quebec any compensation for the GST, which applies to cultural products.

Since the Government of Quebec has confirmed that cultural products are being targeted, can the minister tell us what the important reasons are for blocking this \$2.2 billion when Quebecers are paying 25 per cent more for their cultural products?

[English]

**Senator LeBreton:** I am glad the honourable senator pointed out that this has been going on for 20 years. Next thing we know, they will be blaming us for the 15 years the Liberals did not do anything about this situation.

• (1420)

As the honourable is aware, and as the Minister of Finance has stated on many occasions, he has been in very worthwhile and fruitful discussions with the Quebec government. These discussions have been going on in good faith, although some points have remained unresolved.

The honourable senator's colleagues in the other place should not be delaying these ongoing, productive talks by forcing an unnecessary election on the Canadian electorate and Quebec electorate.

[Translation]

**Senator Hervieux-Payette:** It is a matter of justice for Quebec. It is a matter of equality for Quebecers. The minister, Raymond Bachand, has been negotiating in good faith with your government for years. You gave Ontario and British Columbia billions of dollars in compensation. The Government of Quebec has been imposing a harmonized tax in Quebec for nearly 10 years, so it is not a question of beginning a new system.

Yesterday, the *Journal de Québec* reported that Conservative minister Denis Lebel expected the two parties to reach an agreement. I do not know how long it will take for the government to understand that Quebec is a distinct society. Minister Lebel stated:

I hope to see a resolution that is suitable for both parties. I hope that resolution can be achieved in the next few weeks or months.

This raises some questions. How are our ministers from Quebec representing us within cabinet? When will the government understand that Quebecers pay their taxes, just like all other Canadians? The government often likes to suggest that Quebec receives gifts from the federal government. In this case, I must say, not only are we not receiving any gifts, but we are being treated completely unfairly.

I would like to know what points are still in dispute and preventing compensation for the harmonized tax. I would like the government to disclose the outstanding issues so that we can help you resolve this dispute with Quebec.

[English]

**Senator LeBreton:** Honourable senators, after that long question, I would say that we, too, as well as the Government of Quebec, are bargaining in good faith. These discussions have been ongoing.

Minister Flaherty has had useful discussions with Minister Bachand and the negotiations are proceeding in good faith. We are not going to negotiate with the Bloc Québécois. We are

negotiating with the Government of Quebec. As I pointed out, some points remain unresolved. I would hope that the opposition in the other place would come to their senses, support the budget, and allow the ministers of finance to continue their good work.

**Senator Hervieux-Payette:** Honourable senators, if the leader would tell us which points the government is unable to solve with Quebec, perhaps we might be able to help.

**Senator LeBreton:** Perhaps the honourable senator can help us by telling us where the \$40 million is that we have been trying to recover from your colleagues in Quebec.

**Some Hon. Senators:** Oh, oh!

**The Hon. the Speaker:** Order.

## AGRICULTURE AND AGRI-FOOD

### AGRICULTURAL RESEARCH AND INNOVATION

**Hon. Catherine S. Callbeck:** Honourable senators, my question is to the Leader of the Government in the Senate. In response to a question from Senator Cordy, the leader indicated that yesterday, I was wrong in suggesting that there were cuts in agricultural research.

Honourable senators, I ask the leader to look at the Main Estimates, 2011-12, on page 46, under the heading Agriculture and Agri-Food and Science, Innovation and Adoption. In 2010-2011, the figure was \$404.449 million, and for 2011-2012, the figure is \$252,284 million. By my math, that is a reduction of roughly \$150,000 million.

How can the Leader of the Government in the Senate say that there has not been a cut?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, as I explained, there were programs under the Economic Action Plan and the stimulus plan, when we were helping lead the G7 out of the economic downturn, and specific funds were put in over and above what is normally allocated to these agencies. I indicated yesterday that the reason why I am so sure of what I am saying is that I made an inquiry. The honourable senator will receive a full response by written answer.

**Senator Callbeck:** I thank the leader for that. I will appreciate getting that answer. What the minister is saying is certainly not my understanding of these figures at all.

## FINANCE

### BUDGET 2011

**Hon. Art Eggleton:** Honourable senators, my question is for the Leader of the Government in the Senate.

Honourable senators, last year, the Senate unanimously adopted a report on poverty, housing and homelessness. It was a bipartisan effort. Contained in that report were several recommendations on housing. One of them was to continue

with the Affordable Housing Initiative, which was the main program in which new affordable housing was constructed for people in need in this country. Another program was the Residential Rehabilitation Assistance Program. Both these programs have existed for a number of years. The Residential Rehabilitation Assistance Program was instrumental in helping to preserve and renovate housing for low-income people, as well as providing rental accommodation in that housing. Both of these programs are scheduled to terminate at the end of this fiscal year. They are sunsetted. There was nothing yesterday's budget to renew or replace those programs.

Honourable senators, there are 4 million Canadians in need of decent, affordable housing. What will the government do to replace these programs and provide affordable housing to low-income Canadians?

The budget talked about everything the government has done in the past four years. Please do not talk about that; I read that. What will be done for these people from here on?

**Hon. Marjory LeBreton (Leader of the Government):** The honourable senator is right. The budget deals with matters that are of concern right now. With regard to homelessness and housing, we kept our five-year commitment to the Homelessness Partnering Strategy. In November, we announced funding until 2014. We are investing in more than 1,200 projects to prevent and reduce homelessness. We have engaged in comprehensive nationwide consultations and have used what we heard from the provinces, municipalities and Canadians to improve funding post-2011. The improvements address long-term concerns from the stakeholders. We actually dealt with people dealing with this issue.

Honourable senators, we recognize that this is not just an urban issue. We have added rural and remote components to this plan, as well as a mental health and addiction component. We have made major investments in affordable housing that have created thousands of jobs. Over 12,000 projects are completed or are underway. We provided the provinces and territories with the greater flexibility they asked for. It was not Big Brother telling them what to do. We recognize that each province and territory faces different challenges.

Honourable senators, the provinces and territories are aware of their specific needs. We also increased accountability measures to ensure maximum value for taxpayers' dollars in the housing and homelessness program.

**Senator Eggleton:** Honourable senators, I asked the leader specifically about affordable housing as opposed to homelessness, although that is another issue.

It is ironic that if you do not build or rehabilitate existing housing for permanent facilities, you will have only more homeless people that you will not be able to accommodate. The leader's argument is self-defeating. You have to address the issue of affordable housing.

In the report, we also called for a national housing strategy, which was adopted unanimously by this body.



Honourable senators, the leader spoke about job creation and the things that have been done. Under the stimulus package, there was a fair bit put in. The stimulus package has now come to an end. What I find particularly alarming about the budget yesterday is that —

**The Hon. the Speaker:** Order. I regret to advise honourable senators that the time for Question Period has been exhausted.

• (1430)

## ORDERS OF THE DAY

### POINT OF ORDER

#### SPEAKER'S RULING RESERVED

**Hon. Consiglio Di Nino:** Honourable senators, I am not particularly happy to do this, but there comes a time when I think all of us need to remind ourselves about decorum in this place, and decorum only carries so far.

On a number of occasions during Question Period, Senator Mitchell said to Senator LeBreton, "It's a lie, it's a lie, it's a lie." That is inappropriate behaviour in this chamber. We can certainly understand that in the heat of debate we will sometimes exceed appropriate decorum.

I also remember not too many months ago when Senator Mitchell accused this chamber — at least, either the staff or this side — of tampering with Hansard, of changing Hansard. I did not get up at that time.

I am getting up right now, honourable senators, on the basis of the fact that the rules say that if a senator uses this kind of language, then he should stand up, retract it and apologize, which I hope Senator Mitchell will do; otherwise, I will make it an actual question of privilege.

**Hon. Grant Mitchell:** Honourable senators, I appreciate having the chance to debate and to answer the two accusations — the first is the one made by the Leader of the Government that somehow the Liberals increased taxes and spent inappropriately or too much, and the second one, that I used inappropriate language. There are two issues here worthy of consideration, and I accept that.

The first is the truth of what was said by the Leader of the Government in the Senate about how the Liberals conducted themselves and the fiscal regime of this government while they were in government.

The second is the question of the word —

**An Hon. Senator:** Order.

**Senator Mitchell:** Well, he has raised it.

**Senator Angus:** You are totally out of order and you know it.

**Senator Mitchell:** I am not at all. He has raised a question. I have a right to defend myself. He has accused me.

**The Hon. the Speaker:** Honourable senators, order, please.

The rules provide that at the call of Orders of the Day, an honourable senator may rise on a point of order. We are on a point of order that has been raised by Senator Di Nino. He has expressed some views where he feels that there is a point of order. I am now hearing from the Honourable Senator Mitchell on the point of order. Senator Mitchell has the floor.

**Senator Mitchell:** Thank you, Your Honour. I appreciate that. I would like to address both those points, which were appropriately and properly raised in turn by the whip, Senator Di Nino.

The first question is, is it true what the Leader of the Government said in the Senate moments ago? Is it true that the Liberals somehow increased taxes inappropriately or at all and that they somehow did not run the fiscal regime of this government effectively and, I would argue, way more effectively — infinitely more effectively — than the current government? That is the first question I will address.

Once I have established that what she was saying is not true, the second question is, was my choice of language appropriate to describe that in these environs? I will answer both of those.

First, the facts: The fact is that the Conservative government under Mr. Mulroney — and the Leader of the Government worked in his office and should know better — left the subsequent Liberal government with a \$42-billion deficit. Our government, the Liberal government, under Mr. Chrétien and subsequently under Mr. Martin, turned that into a \$12-billion surplus.

**An Hon. Senator:** Oh, oh.

**Senator Mitchell:** You raised it; you will get every single last point of this — a \$12-billion surplus.

In turn, we watched as this government under Mr. Harper — the Harper government, the new cult — turned that into a \$56-billion deficit.

**An Hon. Senator:** How much?

**Senator Mitchell:** Fifty-six billion dollars; count them. He took a \$12-billion surplus and turned it into a \$56-billion deficit, turning around a \$68-billion difference.

How did he do that? I will tell honourable senators how he did that. He increased spending by \$80 billion in four years. That is a 40 per cent increase. He increased debt—

**Some Hon. Senators:** Oh, oh.

**Senator Mitchell:** You asked for this.

**Senator Cowan:** You will have your chance.

**Senator Mitchell:** You asked for this.

The Prime Minister increased the debt by the end of their 2015-16 budget — which they will not get to present and which, of course, they would not be able to reach any way — by another \$200 billion. If we divide that by the number of Canadians, we are looking at upwards of \$85,000 in total debt per Canadian person, for a five-member family. They should think about that when they start to criticize the government under Chrétien and Martin for not doing fiscally responsible management and for increasing taxes, which in fact they did not do.

Let us look at how they got to that \$56-billion deficit. They say it was a stimulus package, but, of course, the stimulus package was good for about \$30 billion last year; so \$26 billion of it can only be bad fiscal management. How do we know they cannot manage effectively? We know it because they could not even provide us with the kind of information we needed to be able to assess their crime legislation and what all of that was going to cost in terms of new prison construction and new prison administration. If they cannot budget for something that obvious and that expensive, how could they ever begin to manage a government in a fiscally responsible manner?

It is not a surprise, of course, because their government hates government. If the President of Toyota hated cars, what kind of company would Toyota be? The Prime Minister of this government hates government, so how can they possibly manage government effectively?

Do we think it is going to end? We notice now, and this is how it happens —

**Senator Wallin:** Sit down.

**Senator Mitchell:** I am not finished.

**The Hon. the Speaker:** Order. Honourable senators, rule 18(3) states:

When the Speaker has been asked to decide on any question of privilege or point of order he or she shall determine when sufficient argument has been adduced to decide the matter . . .

I have heard enough in order to take this matter under consideration, and I will return with a ruling.

**Senator Mitchell:** Point of order, Your Honour.

**Some Hon. Senators:** Oh, oh.

**Senator Mitchell:** Point of order. I have to apologize and I need a moment to do that. I just need five more minutes to do that —

**Some Hon. Senators:** Oh, oh!

**Senator Mitchell:** Five more seconds.

My second point is that, yes, I used inappropriate language and I apologize for that inappropriate language. My argument was correct; my language was incorrect.

## ATLANTIC ACCORD

### DOCUMENT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** May I, with leave, table a document? The issue today was of the Atlantic Accord; the Government of Canada announces the Atlantic Gateway and trade corridors, which was a question of Senator Cordy to our leader. Senator LeBreton did make allusion to the Atlantic Accord announcements. Do I have leave to table the document in both official languages?

**The Hon. the Speaker:** Is leave granted?

**Some Hon. Senators:** Agreed.

## CORRECTIONS AND CONDITIONAL RELEASE ACT

### BILL TO AMEND—THIRD READING— DEBATE SUSPENDED

**Hon. Larry W. Smith** moved third reading of Bill C-59, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts.

He said: Honourable senators, we had a very exhilarating committee review with outstanding witnesses. Senator Fraser did an outstanding job as our chair over a long period of time. Without making any major statement, because I am not sure major statements are in vogue today, it is important that people look at what is trying to be accomplished here in terms of creating a proper new balance and recognition. I urge all honourable senators to support the passage of this bill.

• (1440)

In the area that I represent, approximately 50 people are directly affected by this bill. It is important to understand that when one harms other people one must pay the appropriate price. There must be responsibility and accountability for one's acts.

Finally, as we see it, one has to earn rights at certain times in one's life. The law that will come into being as a result of this bill is balanced and will ensure that offenders earn the right to have parole.

**Hon. George Baker:** Honourable senators, I will speak only briefly, as another senator on this side will speak to the bill.

I will echo the words of the mover of the motion. On Monday, the committee held 10 continuous hours of hearings on this bill during which senators from both sides of the house examined witnesses.

The main point of contention on the bill is its constitutionality. Senator Joyal said that he believed the bill would not pass constitutional muster. The evidence from the Canadian Bar Association and the Barreau du Québec was in support of Senator Joyal's opinion. Professors from universities in British Columbia and the East Coast agreed with that opinion.



As the honourable senator said a few moments ago, the meeting was an interesting one. The lawyers and students who will look back at those proceedings when the constitutionality of the bill is being determined will be interested in the debate that was held between the minister and Senator Joyal, and between Senator Carignan and the representative of the Canadian Bar Association.

Senator Joyal cross-examined the Honourable Vic Toews. Minister Toews is the ideal minister to promote this legislation. He has a history as a prosecutor, and the main contention in the bill is whether we can pass retroactive legislation. According to the Canadian Bar Association and the Barreau du Québec, the bill is retroactive. The minister disagreed, saying it is retrospective in application.

If we look at the history of the Honourable Vic Toews, we will see that he was the prosecuting attorney in the first case litigated on this question. He was prosecuting the banks for not applying labour laws. Of course, we were all hopeful that he would win the argument.

It had to do with hours of work and pay conditions for tellers in the chartered banks. The banks said that the bill was retrospective in nature and, therefore, unconstitutional. Mr. Toews lost at the provincial court level, took the case to the Superior Court level and, as Senator Joyal pointed out, lost again. Therefore, Senator Joyal asked what makes Minister Toews believe that, having lost the argument back then, he will win it now with this bill.

Do not forget that the people who inspired the formulation of this bill are Vincent Lacroix, Earl Jones and other persons who have been convicted of, and sentenced for, defrauding a great number of people of their resources. Under this bill, parole conditions will be changed.

The other argument that I found interesting was between Senator Carignan and the bar. The representative of the bar said that parole conditions and timing of parole are part of sentencing.

As honourable senators know, subsection 11(i) of the Canadian Charter of Rights and Freedoms says that if a law is changed between the time someone is convicted and their sentencing, the lesser prejudice of sentence shall apply as punishment. Senator Carignan asked how parole can be part of the punishment in sentencing. The bar, of course, said just the opposite.

That discussion was fascinating, and it reflects on all the bills that we have passed here in the Senate in the past two or three years. For example, we recently passed the Tackling Violent Crime Act, and it has been stuck in the courts across this country ever since.

I reference for honourable senators the case of *R. v. Randhawa* of the Ontario Court of Justice, 2010, Carswell Ontario 10426, a case decided three months ago. The judge reviewed some of the other cases in Canada that were hung up in provincial court on this question.

I will quote from paragraph 3:

The decision in *R vs. Jacox*, British Columbia, a decision of Morgan Jay of the British Columbia Provincial Court, Morgan Jay goes through in great detail the reasons he finds

that the amendments to section 252.2, which were made on July 7, 2008 as a result of the Tackling Violent Crime Act, result in the question being valid and I will attempt to summarize his reasons.

As honourable senators understand, whether something is unconstitutional is really not the question. Something can be unconstitutional and still apply if it passes section 1 of the Constitution. If it is a reasonable limitation on the fundamental constitutional rights of society in general, it can be saved by section 1. Judges in each jurisdiction of the country were debating this point.

The judge made reference to the case that I cited, and then, at paragraph 5, he comes to the conclusion that section 8 cannot be saved by section 1 of the Charter. As a remedy — paragraph 6 — he reads into the amended section the words.

In other words, something passed by the Senate can be unconstitutional, be saved by section 1, or, if not saved by section 1, words can be read in to make it constitutional.

• (1450)

The arguments that took place are fascinating from the point of view that the minister said, “Look, we know this may be unconstitutional.” These were his exact words. He said, “This is retrospective legislation. I admit it.” All of these questions on constitutionality that deal with the intent of Parliament — that is, what was the intent of Parliament? What was the intent of the government at the time? Honourable senators can consult experts such as Sullivan and Driedger for their interpretation of statutes, but you do not have to do that here because the minister appeared before the committee and said, “Look, this is retrospective in application. This will apply to persons who are already in jail and who will be seeking parole in the future.” The minister admitted it outright, so that does not even come into the question.

I am sorry for going on so long, honourable senators; however, it was a fascinating 10 hours. I made it to about nine hours.

Honourable senators may wonder: Why would the Senate not take up section 10 of this act and try to amend it? I will tell you why not, honourable senators, and why I think the matter should go to a vote, as is requested by members opposite in promoting the government’s position, with which I do not agree. Why can it not be amended? It cannot be amended because the House of Commons table and the Speaker of the House of Commons ruled, when it was before the House of Commons, that to change the retrospective aspect of this bill would violate the principle of the bill and, therefore, would not be permissible. I can understand that, honourable senators, because you have the government saying something is retrospective and here it is clearly drawn out — and, do not forget that when we got this bill in 2009, it was not retrospective. It did not date it back. In fact, it said just the opposite; it would apply from the moment it was proclaimed. Now it is changed intentionally by the minister.

Honourable senators, we cannot bring forward an amendment in the Senate that has been ruled out of order and contrary to the rules of Beauchesne and Erskine May before that because that

would certainly be against the principles. You would have mayhem. One house would say that you can do it and one house would say that you cannot. You cannot get into that.

Honourable senators, following those who wish to speak on this bill, I suggest that we proceed to a vote on the bill forthwith and then let the courts review all of the evidence before the Senate committee.

One thing is certain, honourable senators: The Senate has done its job on this particular bill.

[Translation]

**Hon. Céline Hervieux-Payette:** Honourable senators, I attended practically all the hearings on Bill C-59, which lasted 11 hours. I heard extremely credible witnesses. The proof was beyond a reasonable doubt. Almost 80 per cent of the witnesses who came before the committee told us that Bill C-59 was an abominable bill and an insult to our judicial system, that it violates all our principles of natural justice, and that it especially attacks our most disadvantaged citizens, that is, our youth and women.

What especially bothers me is that the people most affected by the bill will be Aboriginal women who, in today's society, are victims of destitution, suffering, and poverty, and their children who are in trouble with the law.

I believe it is important to relay to you the ideas of people I consider to be experts, who addressed the committee, such as Mr. Ivan Zinger, the Executive Director and General Counsel for the Office of the Correctional Investigator. These are not people who simply gave us their impressions or biases. The first thing they told us is that this law will obviously affect Aboriginal people the most as they are currently overrepresented in our prisons. I am talking about both men and women.

We know that Aboriginal people represent 4 per cent of the Canadian population, but 20 per cent of the prison population. Furthermore, because of their concentration in certain provinces, we can say the Aboriginal inmate population is much more than 20 per cent in certain provinces.

We also learned that the number of female Aboriginal inmates is higher in federal institutions and that their success rate is much lower when applying for parole after serving one-sixth of their sentences.

One specific reason is the difficulty of reintegrating back into the community, which is a problem intrinsic to the nature of individuals who did not grow up with all the measures that should have been in place to assist with their development.

Let us speak about the future. The number of Aboriginal women admitted to federal penitentiaries over the past 10 years has increased by about 35 per cent. Therefore, this problem is not in the process of being resolved; rather, it is getting worse.

I would like to share some statistics with you. Another extremely competent individual, Shelley Trevethan, the Executive Director General of the Parole Board of Canada, came before us to tell us that this bill is primarily focused on

one-third of offenders — those who commit such crimes as a first offense under the Controlled Drugs and Substances Act. This constitutes over 30 per cent of offenders; 14 per cent were part of another group of people who had drug addictions.

That is already 47 per cent, or almost 50 per cent. She then told us that 7 per cent were convicted for conspiracy to commit an indictable offence, 7 per cent were convicted for breaking and entering, 4 per cent were convicted for fraud of over \$5,000 and 3 per cent were serving time for theft of \$5,000 or less. Most, or nearly two-thirds, of the offenses were non-violent.

If, tomorrow morning, we had to put all the people who broke into our cottages or cars in prison, I believe that we would have to allocate not just \$5 billion but rather \$10 billion to building prisons in Canada.

It is important to remember who is in our prisons: people who were convicted of non-violent crimes. I would also like to share with the honourable senators the opinions of another extremely competent individual, Mr. Graham Stuart, an expert who has been wondering what would happen next.

I believe that the honourable senators opposite should listen very carefully to this quote.

[English]

... increased inconsistency for the purpose of corrections as set out in the CCRA as well as the principle of restrictive measures without evidence to justify the need for this change.

There is no reason for a change.

Mr. Stewart continued:

It is unfairness. To systematically deprive the least serious offenders of the opportunity to apply for day parole on their eligibility date . . . We should not overestimate the implications on a prison population of a flagrantly unfair practice.

He added:

It leads to ineffective corrections. Depriving most non-violent inmates the benefit of the most effective correctional programs is not effective corrections . . .

Namely, gradual supervised release,

... leads to potentially greater victimization.

I refer here mostly to women and women inmates.

Honourable senators, it is not possible to reduce violent recidivism rates from already extremely low rates because most of the time the actual system is about equal for those one sixth or one third of the sentence. In terms of recidivism, it was about the same, which means it has not produced anything except if you leave youth in regular prison for a longer time, they will not be rehabilitated; they will be more criminalized. You do not need to be a scientist to understand that.



• (1500)

One of the main arguments of those witnesses was the fact that the \$350 million that the potential 1,500 people will cost the state would be better invested in rehabilitation.

[Translation]

We have received letters from citizens. You might think that people who are concerned for their safety would tell us to leave the offenders in prison. Even the representative of the victims of Earl Jones who met with us was horrified to know that there would be more than a thousand people who would remain in prison because of the Earl Jones case.

In the Earl Jones case, if we are to believe the Canadian Bar Association, the Barreau du Québec and Quebec criminal law experts, retroactivity will not apply. The only reason this bill was introduced, in a totally shameful marriage between the Bloc Québécois and the Conservatives, with a cheap partisan agenda, was to make it seem as though Bill C-59 will be a warning to Mr. Jones or punish him longer when we know that this bill will not apply to Mr. Jones.

That raises the following question: what is the purpose of this bill? Why keep people in prison who, tomorrow morning, could begin serving a sentence the day after completing one-sixth of their sentence?

I would like to explain to my colleagues that the minister told us that they will be out in the street. We might have thought that the minister, with his expertise, would know better.

[English]

They will not be out in the street. They will be in a halfway house. They will have several conditions, depending on their crime.

[Translation]

We heard testimony from an expert, the president of the Elizabeth Fry Society, who explained the process to us. Probation officers, correctional officers, and psychologists or sociologists study each case. They then report on the individual's eligibility for early parole after having served one-sixth of the sentence.

That is not all. No one returns to the community that way. The first step towards rehabilitation is finding professional training within the community, be it through completing high school, returning to the workforce, or ceasing to spend time with certain people, et cetera. The conditions are tailored to each individual. Misleading the public by talking about being "out in the street" is proof positive that the minister is not very serious.

What is strange is that not a single expert from any organization that works with offenders told us that this bill had any merit.

[ Senator Hervieux-Payette ]

[English]

**The Hon. the Speaker:** Honourable senators, is it your pleasure that the sitting be suspended to await the arrival of His Excellency the Governor General?

**Hon. Senators:** Agreed.

(Debate suspended.)

(The Senate adjourned during pleasure.)

[Translation]

## ROYAL ASSENT

His Excellency the Governor General of Canada having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999 (*Bill S-5, Chapter 1, 2011*)

An Act to amend the Criminal Code and another Act (*Bill S-6, Chapter 2, 2011*)

An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act (*Bill C-14, Chapter 3, 2011*)

An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service (*Bill C-22, Chapter 4, 2011*)

An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act (*Bill C-48, Chapter 5, 2011*)

An Act to amend the Criminal Code (sentencing for fraud) (*Bill C-21, Chapter 6, 2011*)

An Act to amend the Criminal Code (*Bill C-30, Chapter 7, 2011*)

An Act to amend the Immigration and Refugee Protection Act (*Bill C-35, Chapter 8, 2011*)

An Act to amend the Aeronautics Act (*Bill C-42, Chapter 9, 2011*)

An Act to provide for the taking of restrictive measures in respect of the property of officials and former officials of foreign states and of their family members (*Bill C-61, Chapter 10, 2011*)

The House of Commons withdrew.

His Excellency the Governor General was pleased to retire.

• (1530)

[English]

(The sitting of the Senate was resumed.)

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, it is a great honour and pleasure for me to call your attention to the presence in the gallery of Her Excellency Sharon Johnston.

On behalf of all senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear.

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Teodor Baconschi, Minister of Foreign Affairs of Romania.

On behalf of all senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear.

[Translation]

### CORRECTIONS AND CONDITIONAL RELEASE ACT

#### BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Smith (*Saurel*) seconded by the Honourable Senator Ataullahjan, for the third reading of Bill C-59, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts.

**Hon. Céline Hervieux-Payette:** Honourable senators, I would like to return to the issue of women who will be unnecessarily punished. These women already suffer so much. Unbelievable cases of self-mutilation and suicide attempts are much more common among women than men in incarcerated populations. When passing legislation, we need to consider all of the consequences.

Under the law, more services should be provided to people experiencing difficulties in prisons. These people should be able to re-adapt to society and gradually return to a productive life. That certainly does not happen in prison. Prison is not the right place to rehabilitate people.

• (1540)

Only 2.9 per cent of them reoffend, which is minimal. That is proof beyond all reasonable doubt that parole after having served one-sixth of the sentence is a civilized, modern method. In fact,

both the United States, in particular the State of New York, and England used to use this method. But now they are following Canada's example and are abolishing a technique that works well.

I would ask the honourable senators on the other side of the chamber to consider the impact this law will have on more than 1,000 people in Canada. And this law will never serve to punish Mr. Jones, especially given that the Supreme Court must rule on it, and I would be very surprised if his lawyer did not challenge the law on constitutional grounds.

This law will be ineffective and would actually punish people who should be reintegrated into society. Instead of following the belief of an eye for an eye, perhaps we should follow the path of forgiveness and reconciliation. Numerous witnesses spoke to us about wonderful programs that work to reconcile offenders and their victims.

And so, I urge all honourable senators to oppose Bill C-59 and, instead, deal with the issue of serious white collar crime by simply amending this law so that it only applies to white collar crimes of more than \$100,000, for example, and not to the victims we are talking about now.

As the saying goes, "If it ain't broke, don't fix it." I believe that if you truly understand the experts' argument, an argument that I have tried to summarize to the best of my ability, you will recognize that this bill will never fulfill the government's purpose for it and that it is purely a partisan measure and part of an election campaign.

[English]

**Hon. Tommy Banks:** Honourable senators, I will make a short observation with regard to the interesting things that have been said about this bill. I wish I had been at the meetings to which Senator Baker referred earlier. Of course, Senator Baker can make the phone book interesting when he speaks about it.

Senator Baker called important things to our attention. It is too bad, the minister having acknowledged the unconstitutionality of this bill, that we are stopped from amending it, as Senator Baker explained to us, because the amendment would be contrary to the principle of the bill. Therefore, the principle of the bill is unconstitutional in itself.

We must prepare ourselves that if we were to pass this bill into law and if the courts find that the bill is unconstitutional, as the evidence seems to suggest they will, we will hear squeals from certain quarters of judge-made law. The judges will have made the law because Parliament made a mistake. Thank you, honourable senators.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, the Harper Government, notwithstanding its Conservative moniker, is in fact a radical government. It has inverted not only how politics are conducted in this country but also how public policy is developed. Bill C-59 is another regrettable example of legislation grounded in crass politics instead of sound policy.



We all remember how Mr. Harper, the candidate, promised a new era of openness, transparency and accountability. We then watched as he proceeded to run the most closed, opaque and unaccountable government Canadians have ever seen.

He cynically introduced a so-called "Accountability Act" which he still trumpets as a major achievement. It was, in the words of the then Deputy Information Commissioner, Alan Leadbeater, "smoke and mirrors." Mr. Leadbeater was subsequently dismissed from his position and escorted from his office. That action would become characteristic of the Harper Government's treatment of any public servant or independent watchdog who dared disagree with the Prime Minister.

The Standing Senate Committee on Legal and Constitutional Affairs was prescient in its observations on the Accountability Act and the Harper Government's true attitude to openness, transparency and accountability. The committee told us:

The Conservative party made much of its intent to "force the government to open its windows" during the recent election campaign. However, it became patently clear to your Committee during the weeks of testimony on Bill C-2 that immediately upon assuming power, "Canada's new government," —

— the predecessor to the Harper government,

— did its best to slam all windows and doors shut.

Since then, things have gone from bad to worse. This government refuses to hand over to parliamentarians the documents that they need as the representatives of the Canadian people who have elected them. The Speaker in the other place, on three occasions, has found *prima facie* evidence that the Harper government is in contempt of Parliament. Prime Minister Harper's reaction to this infamous entry in Canadian history was: "You win some, you lose some."

Honourable senators, governance is not a game, and Parliament is not a hockey arena where you win some and lose some.

The accountability regime has proven to be the opposite of what was promised. Now, we have the so-called "tough-on-crime" agenda. Again, that agenda is little more than smoke and mirrors.

I remember a Canadian Prime Minister who spoke of a just society. Prime Minister Trudeau said:

I've always dreamt of a society where each person should be able to fulfill himself to the full extent of his capabilities as a human being, a society where inhibitions to equality would be eradicated. This means providing individual freedoms, and equality of opportunity, health, and education, and I conceive of politics as a series of decisions to create this society.

By contrast, Prime Minister Harper's vision appears to be locked in the narrow sights of revenge, retribution and prison. This is a time when the crime rate in fact is falling.

Instead of celebrating the fact that Canadian policies evidently have been working, and focusing on the real issues facing Canadians, including the real crime issues, the Harper government tells Canadians that they should be afraid because unreported crime is on the rise.

Canadians expect and deserve honest, serious discussion of real solutions for real problems. In this debate, let us be honest with each other. Unreported crime is just that. It is not reported. No one investigates, no one is charged and no one is convicted and sent to prison.

Honourable senators, it is irresponsible to spend billions of taxpayers' dollars to build prisons to house so-called criminals who will never be sent there as their alleged crimes were never even reported, let alone adjudicated.

With regard to the real problems of crime facing Canadians, the solution proposed by this government, mandatory minimum penalties and longer prison time, simply will not work.

Let us look closely at Bill C-59. This bill would do away with accelerated parole review for non-violent first-time offenders. It would do so with respect to offenders who were sentenced even before the bill was introduced, as our colleague Senator Baker drew to our attention.

Let us look at some statistics to put this situation in context. In the past five years, 7,272 offenders were entitled to be considered for accelerated day parole after serving one-sixth of their sentence. Of those, 4,878 applications were successful. That is roughly 1,000 per year. That is a grant rate of 67 per cent. In other words, contrary to the some suggestions, accelerated parole has not been automatically granted; one third of the applications have been denied.

• (1550)

Most significant, though, is the success rate for those whose applications that were approved. Don Head, Commissioner of the Correctional Service of Canada, told the Standing Senate Committee on Legal and Constitutional Affairs that in fiscal year 2009-10, some 87 per cent of accelerated day paroles were successfully completed. Of the 13 per cent that were revoked, not one was for a violent offence; indeed, the vast majority were for breach of parole conditions. Only 2.4 per cent were revoked for the commission of an offence, and those were all for non-violent crimes. In other words, the system has worked and it has worked well.

Can it be improved? Unquestionably. However, should we simply toss out the whole concept, with its 87 per cent success rate? I would not have thought so.

Honourable senators, this bill was introduced in an apparent attempt to persuade Canadians that the government was taking decisive action to address the injustice of Vincent Lacroix receiving early parole after defrauding more than 9,000 Canadians of millions of dollars of life savings. The retroactive or retrospective nature of the bill is designed to ensure that Earl Jones, the other notorious large-scale fraudster, is not similarly released.

Honourable senators, during the debate in this house, on the so-called "tackling violent crime bill," I spoke about the importance of not reacting in a knee-jerk or ill-considered manner to the politics of fear and sensationalism. That is what this government is doing, once again, with this bill. Instead of taking the time and care to draft a precise, surgical amendment that would address cases like *Lacroix* and *Jones*, this government has simply slapped together another one-size-fits-all bill.

What will be the impact of Bill C-59? First, will it indeed focus on large-scale fraudsters like Vincent Lacroix and Earl Jones? The answer is no. Testimony this week before our Standing Senate Committee on Legal and Constitutional Affairs revealed that only 4 per cent of accelerated parole review, or APR applications are from offenders convicted of fraud over \$5,000. According to the Correctional Service of Canada's own research, 61.6 per cent of those who are eligible for APR are women.

Digging down deeper, Kim Pate of the Canadian Association of Elizabeth Fry Societies testified in committee in the other place that about 82 per cent of women imprisoned are behind bars for poverty-related offences. Ms. Pate described how women are often recruited at social assistance centres by hardened criminals to do their dirty work explaining that in a number of well-documented cases poor women are seen as target. Honourable senators, 82 per cent of women overall and 91 per cent of indigenous women have histories of physical or sexual abuse. The lack of supports for their victimization as children and as women often mean that they self-medicate. Therefore, according to Ms. Pate, there are cross-addiction and mental health issues, and we end up seeing these women in the system.

Honourable senators, these are not hardened criminals, whether so-called white collar criminals or otherwise. These are fellow citizens in terrible circumstances who turned once to criminal activity. Remember, this bill concerns first-time, non-violent offenders. The evidence is clear that our prisons do not provide the help that is needed for these Canadians to successfully re-enter our communities.

The Public Safety and National Security Committee in the other place conducted a major study on the prevalence of mental illness and addiction in the federal prison system. It found that 80 per cent of the people in federal institutions suffer from addictions to alcohol or drugs.

In January, *The Globe and Mail* ran a special report called, "To heal and protect." It cited recent statistics that nearly 35 per cent of the 13,300 inmates in federal penitentiaries suffer from a mental illness requiring treatment. The statistics are especially dramatic for women prisoners. By some measures, 40 per cent to 45 per cent of female offenders have serious mental afflictions, according to another article in that *The Globe and Mail* series I spoke about. Some experts believe that this staggering figure underestimates the problem.

What is the answer, honourable senators? Lock them up for longer and longer periods in circumstances wherein they are already not receiving the treatment they need and in places where they certainly will not get the resources they require.

How does this make our streets seem safer? They will get out one day and I suspect their illnesses will be worse. Certainly their options for leading productive lives in society will be reduced even further.

The scarcity of services available in our prisons was already reducing the chances these Canadians would be eligible for early parole, leaving parole officers no real opportunity to help them reintegrate into the community. Howard Sapers, the Correctional Investigator of Canada, was quoted in *The Globe and Mail* saying, "This leaves them at a higher risk of reoffending. It is a great irony. The cycle is very counterproductive."

Honourable senators, the Office of the Correctional Investigator Canada has said publicly that it is concerned about the differential impacts of Bill C-59 and the effect that will have on women, and on Aboriginal women, in particular. We all know the statistics: Aboriginal people are less than 4 per cent of the Canadian population but comprise almost 20 per cent of the total federal prison population. Aboriginal women represent 33 per cent of women in federal penitentiaries.

Are these women in prison because they have masterminded a large-scale fraud of millions of dollars from Canadian investors? I do not think so. Should some of them be denied accelerated parole? Undoubtedly some should, and 11 per cent of the APR applications for women have been denied. However, should all of these women be automatically denied a chance at early parole because the Government of Canada wants Canadians to think that it is doing something about Mr. Lacroix and Mr. Jones? Is that justice?

What is our goal, honourable senators? Do we aim to simply punish, whatever the long-term consequences for the person and Canadian society might be, or is it to direct our efforts at making our communities truly safer, striving to build a truly just society?

Remember what we are talking about here: Bill C-59 is directed to first-time, non-violent offenders. These are precisely the people who are the best candidates for rehabilitation and who would or could become productive members of Canadian society.

Kim Pate spoke in the other place about the record of success for female offenders under APR. Ms. Pate said that their reintegration potential is high and that very few accelerated paroles are breached, and when they are breached, they tend to be breached on conditions as opposed to any new offences. They have a very low breach rate, a very high reintegration rate and a very good success on the use of accelerated parole with women.

Honourable senators, one of my colleagues in the Correctional Service of Canada said to me the other day, "If this bill goes through, we will probably need at least several more prisons fairly quickly to incarcerate the women who will be held for longer periods of time."

Honourable senators, this is not fuzzy, soft-on-crime thing. It is a question of what works. Let me read to you from a letter that appeared in the *National Post* last August. It is from Mr. William Perry from Victoria, British Columbia:

The latest Conservative plan is to invest billions in new prisons has not worked in the United States and won't work here.



As a former cop, I know that reforming the criminal justice system makes more sense. Each imprisoned generation, under our system of priorities, begets an even larger imprisoned generation. The problem is not that there aren't enough people in prison. It is that there are far too many people in prison.

We don't need more prisons, longer sentences, three strikes laws and bans on parole. We need funding for schools, jobs and rehabilitation for those re-entering society.

Honourable senators, the best evidence that we have says that sending more and more people to prison for longer and longer period of time periods simply does not work. This has been tried in the United States.

Honourable senators, in November 2007, a report entitled *Unlocking America* was published by the JFA Institute, a non-profit agency that has worked for 30 years on justice and corrections research. The report lists nine authors, each a prominent expert in the criminal justice field. They wrote about the explosion in the prison population in the United States from just under 200,000 people in state and federal prisons in 1970 to over 1.5 million in 2007. This is what they said:

This generation-long growth of imprisonment has occurred not because of growing crime rates, but because of changes in sentencing policy that resulted in dramatic increases in the proportion of felony convictions resulting in prison sentences and in the length-of-stay in prison that those sentences required . . .

• (1600)

This is the result, and remember that they are speaking about the U.S. here:

Prison policy has exacerbated the festering national problem of social and racial inequality. . . . A shocking eight per cent of black men of working age are now behind bars, and 21% of those between the ages of 25 and 44 have served a sentence at some point in their lives. At current rates, one-third of all black males, one-sixth of Latino males, and one in 17 white males will go to prison during their lives. Incarceration rates this high are a national tragedy.

They concluded:

In effect, the imprisonment binge created our own American apartheid.

Eminent conservatives in the United States have now openly acknowledged that the policies that have produced these results, and which they themselves supported, were wrong and should be reversed.

Newt Gingrich, former Republican Speaker of the House of Representatives, and Pat Nolan, who was Republican Leader in the California State Assembly, co-authored an article that appeared in *The Washington Post* on January 7, 2011. This is what they wrote:

We can no longer afford business as usual with prisons. The criminal justice system is broken, and conservatives must lead the way in fixing it.

The authors described how states that lowered their prison population over the years actually experienced a greater reduction in crime than those that increased it. They said:

Americans need to know that we can reform our prison systems to cost less and keep the public safe. We hope conservative leaders across the country will join with us in getting it right on crime.

Asa Hutchinson, who served in the George W. Bush administration as head of the U.S. Drug Enforcement Administration and was Under Secretary at the Department of Homeland Security, appeared before the Public Safety Committee in the other place. He described the American experience and explained why he now advocates for a re-evaluation of the U.S. approach. He said, "We have made some mistakes, and I hope you can learn from those mistakes."

Unfortunately, honourable senators, the Harper government seems to be living in some sort of a time warp, and it can only see the short-term political advantage of replicating failed American policies of the past.

I spoke earlier about the disproportionate impact that Bill C-59 will have on women, especially Aboriginal women. I now want to speak about the impact it will have on our prison system and on Canadian taxpayers who pay for that system.

Howard Sapers, the Correctional Investigator of Canada, has said there is a "system shock" that is beginning to set in, as the men and women who operate the corrections system are trying to adjust and then readjust to the pace and rapidity of the changes that are coming in from this government's so-called "tough on crime" agenda. Here is what he said to our Legal and Constitutional Affairs Committee:

If enacted, Bill C-59 will likely lead to an increase in the incarcerated offender population. . . . My office is concerned with the impact of another significant increase in the inmate population on an already burdened correctional system. An increase in the federal inmate population will affect the safety and security of institutions as well as individual inmates' ability to receive programs and services that will assist their safe and timely reintegration into the community.

In his submission to our committee, Dr. Ivan Zinger, Executive Director and General Counsel in the Office of the Correctional Investigator, wrote:

It is well documented that overcrowding in prison can lead to increased levels of tension and violence and can jeopardize the safety of staff, inmates and visitors.

He explained it this way:

. . . the pervasive effects of prison crowding reach far beyond the provision of a comfortable living environment. . . . Stretching the system beyond its capacity to move offenders through their correctional

plans in a timely fashion has negative impacts on the protection of society itself as offenders are incarcerated for a greater proportion of their sentence only to be released into the community ill-prepared and then supervised for a shorter period of time.

The Harper government often tries to deflect attention away from the cost of its crime bills by emphasizing the immeasurable cost to victims of crime. Honourable senators, that is one of the main reasons I object so strongly to this so-called “tough on crime” approach. The evidence is that this approach will only create more hardened criminals and, with that, more victims of crime.

As responsible parliamentarians, it is our duty to consider the cost of legislation to Canadian taxpayers. Astonishingly — and Senator Baker referred to this earlier — the minister responsible for this legislation, Public Safety Minister Vic Toews, told our Legal and Constitutional Affairs Committee on Monday that the department had prepared costing figures, but he, the minister, had not yet seen them. What kind of fiscal responsibility is that, to propose a bill in Parliament, to sponsor it through two houses, and to admit that one has not even seen the cost estimates prepared by one's own department? How can he expect that responsible Canadian parliamentarians could vote on a bill without knowing what it will cost Canadian taxpayers?

We do now know that it currently costs between \$90,000 and \$140,000 to keep a male prisoner in a federal institution for a year and \$185,000 for a female prisoner. We also know that the cost to keep an offender in a halfway house in a major city is about \$25,000 a year.

According to their own figures — which time and again underestimate the actual cost — Bill C-59 will cost Correctional Services over \$350 million over five years, with ongoing costs of \$53.2 million. There are also additional dollars that will be required for the National Parole Board. The government's figures are relatively modest, ranging from \$5.6 million to \$17.3 million. These sound low given the testimony from the National Parole Board of the vastly increased workload they anticipate from this bill.

In fact, one witness testified that the costs of this bill alone will approach \$500 million. How much health care could we provide to Canadians for \$500 million? How many doctors and nurses could we send to rural communities for that money? How many young Canadians could be helped to go to a university or community college?

In the interest of being seen to take action between two high-profile fraudsters — one of whom will not be affected by this bill at all — we are being asked to pass legislation that will cost taxpayers hundreds of millions of borrowed dollars to keep thousands of non-violent, first-time offenders in prison longer. They will be kept in close contact with hardened, violent criminals and away from the services that could both help them with the problems that made them turn to crime in the first place, and facilitate their successful reintegration into Canadian society.

Essentially, this government is writing off these Canadians — in the words of the American report, creating a kind of Canadian apartheid. However, instead of “three strikes and you're out,” in the Harper game you only get one chance at bat.

I must also say a word about the retroactive or retrospective application of this law. Essentially, in order to have it apply to Earl Jones, as Senator Baker has explained to us, the government has made this bill apply to all inmates, including those sentenced long before the bill was even tabled in Parliament. As a matter of principle, we — and especially many of us in this chamber, on both sides of the aisle — have often expressed great reluctance to pass retroactive laws, particularly when the issue is criminal legislation. There are good reasons for that. Earl Jones is one case, but there are likely many more who decided to plead guilty rather than go to trial — or decided not to defend themselves in court — because of the accelerated parole review process.

Now all the rules are changed. There is a problem with that, honourable senators. There may well be, as Senator Baker said earlier and as Senator Joyal pointed out in cross-examining witnesses before the committee, a constitutional problem with that as well.

• (1610)

Fundamentally, I do not believe that criminal justice is best served by legislating mandatory prison terms and eliminating or severely reducing the role of discretion afforded judges and other decision makers. Our justice system, honourable senators, was built on the premise that everyone is an individual before the law. Increasingly, with mandatory minimum penalties set out in statute, and the abolition of alternatives such as accelerated parole review, we are replacing our criminal justice system with something very different.

Instead of looking at each case on its individual merits, we are applying a kind of group sanction or group-think, yet we are doing so with no evidence to suggest that this system will be an improvement. In fact, all the evidence indicates that these approaches have not worked where they have been tried. We are discarding a system that has worked well for the most part; it can be improved, but it is no improvement, I suggest, to simply throw the whole thing out.

Honourable senators, Bill C-59, like so much of this government's law and order agenda, is simply wrong-headed. It will prove costly to Canadian taxpayers both in the short term, with the cost of housing all of these offenders for longer and longer periods of time, and in the long term, with what I firmly believe will be an increase in the crime rate as we turn non-violent, first-time offenders into repeat ones.

For all these reasons, I cannot support this bill.

**Hon. Bob Runciman:** Will Senator Cowan accept a question?

**Senator Cowan:** Absolutely.

**Senator Runciman:** The senator talked about applications being denied, but under this program there are no applications; the review is automatic.

The honourable senator mentioned, in reference to the Earl Jones situation, that this bill would not impact Mr. Jones. We were advised at the committee, I believe — and maybe it was not through official testimony — that if this bill does not come into



effect prior to an election, that Mr. Jones will be eligible for early release this fall. Of course, I am sure the honourable senator is aware, this man is convicted of stealing over \$60 million: the life savings of many people. I think the situation is in need of clarification with respect to that individual. Why has the honourable senator concluded that Mr. Jones will not be impacted by this legislation?

**Senator Cowan:** Honourable senators, I said two things. First, the fact is that everyone who applied did not automatically receive accelerated parole. I provided the statistics, which I can provide again, but I think they are there. I doubt the honourable senator would disagree with the statistics. Parole has not been automatic. Many applications have been denied, and many people are not released when their applications are considered.

I suggested that without this bill, without the retroactive and retrospective application, the bill would not apply to Mr. Jones. I did not hear Minister Toews, but I think that was the reason why he suggested that it was made retroactive and retrospective, so as to apply to Mr. Jones.

I was not suggesting that this bill, if it was passed in the form it is now, would not apply to Mr. Jones: I think it does. The reason it applies is because it was made retroactive and retrospective. If I did not make that point clear, that was my intention.

**Senator Runciman:** That is accurate. As a further clarification, as Senator Fraser mentioned at the hearings, we believe, Mr. Jones does not have even a parking ticket on his record. This review is automatic. If there is a concern about this individual committing a violent offence, those are the only grounds really for rejection. If we look at this individual's background, I do not think there are any grounds there for denial. That is the concern.

**Hon. Joan Fraser:** Honourable senators, on a clarification, Senator Runciman has me quoted almost entirely accurately, but since we are in the business of clarifying, I would like to try to clarify precisely what happened at that point in the proceedings.

It is my strong recollection that, when I said that, it was in the context of a discussion within the committee that suggested that large numbers — perhaps even the majority — of first-time, non-violent offenders who are in the federal penitentiary system already have significant criminal records in the provincial system, but that accelerated parole review would apply to them because this conviction would be their first in the federal system for a non-violent offence.

I said in response to that discussion, based on nothing other than my reading of the newspapers, that I was not aware that Mr. Jones had even been proceeded against for unpaid parking tickets. Let me be perfectly clear that I was talking about it not in the context of his review and not in the context of any accurate, specific, formal, legal knowledge of the case.

**Hon. John D. Wallace:** Would Senator Cowan entertain another question?

**Senator Cowan:** Certainly.

**Senator Wallace:** If I understood the honourable senator correctly, I thought he said that Bill C-59 would result in the removal of discretion by the decision makers in relation to parole. That is not any understanding. My understanding is the consequence would be that the parole board, in cases involving offenders of violent and non-violent offences, would exercise that discretion. The parole board would exercise discretion using the same consideration, whether the offender is a violent offender or a non-violent offender. Of course, that is not the circumstance today with accelerated parole review in place.

I wonder if I misunderstood the honourable senator when I thought he said it would remove discretion from the decision makers.

**Senator Cowan:** I thank the honourable senator. In previous lives, he and I shared a common profession. I am sure that he in his career, as I did, would have appealed to judges to exercise their discretion, and would have spoken many times about the value of our system, where we appoint the best people to be judges and invest them with discretion to consider the facts before them in the theory that they are best able to evaluate those facts and render decisions.

My comment here was the same as I have made about other bills dealing with mandatory minimums. It was more in the context of those bills and other parts of the tough-on-crime agenda that introduce, enhance or increase the mandatory minimum sentences and occasions when those sentences are used. It was directed toward the mandatory minimum regime and my regret that the judicial discretion that the honourable senator and I would have pointed to with pride is being eroded by the introduction of mandatory minimum sentences, which removes the discretion the judge has, having heard the evidence before him.

It was in the context of the discussion of mandatory minimum sentences versus the judicial discretion that I was speaking of in that case, not in the context of this bill. I thank the honourable senator for the opportunity to clarify the question.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Those in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed to the motion will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the yeas have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Call in the senators.

Do we have advice from the whips as to the length of the bell?

**Senator Di Nino:** We have many committees meeting at different places, so one hour.

**The Hon. the Speaker:** Honourable senators, I take it we have agreement on a one-hour bell?

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** The vote will take place at 1720 hours.

Do I have permission to leave the chair?

**Hon. Senators:** Agreed.

• (1720)

Motion agreed to on the following division, and bill read third time and passed:

#### YEAS THE HONOURABLE SENATORS

|                  |                         |
|------------------|-------------------------|
| Andreychuk       | LeBreton                |
| Angus            | MacDonald               |
| Ataullahjan      | Marshall                |
| Boisvenu         | Martin                  |
| Braley           | Meighen                 |
| Brazeau          | Meredith                |
| Brown            | Mockler                 |
| Carignan         | Nancy Ruth              |
| Champagne        | Neufeld                 |
| Cochrane         | Nolin                   |
| Comeau           | Ogilvie                 |
| Demers           | Patterson               |
| Di Nino          | Plett                   |
| Duffy            | Raine                   |
| Eaton            | Rivard                  |
| Finley           | Runciman                |
| Fortin-Duplessis | Seidman                 |
| Gerstein         | Smith ( <i>Saurel</i> ) |
| Greene           | Stewart Olsen           |
| Housakos         | Stratton                |
| Johnson          | Tkachuk                 |
| Kochhar          | Wallace                 |
| Lang             | Wallin—46               |

#### NAYS THE HONOURABLE SENATORS

|          |                   |
|----------|-------------------|
| Baker    | Joyal             |
| Banks    | Kenny             |
| Callbeck | Losier-Cool       |
| Campbell | Lovelace Nicholas |
| Chaput   | Mercer            |
| Cordy    | Merchant          |
| Cowan    | Mitchell          |
| Dawson   | Moore             |

Day  
De Bané  
Downe  
Dyck  
Eggleton  
Fairbairn  
Fox  
Fraser  
Furey  
Hervieux-Payette  
Hubley  
Jaffer

Munson  
Murray  
Pépin  
Peterson  
Poulin  
Ringuette  
Robichaud  
Rompkey  
Smith (*Cobourg*)  
Tardif  
Watt  
Zimmer—40

#### ABSTENTIONS THE HONOURABLE SENATORS

Nil

#### CRIMINAL CODE

##### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Bob Runciman** moved second reading of Bill C-54, An Act to amend the Criminal Code (sexual offences against children).

He said: Honourable senators, I am pleased to rise in support of Bill C-54, the protecting children from sexual predators act, which has appropriately received support from all parties in the other place.

Bill C-54 seeks to achieve two important goals. First, all child sexual offences must be treated seriously and consistently when sentencing offenders. Second, children must be protected from such offences and the best way to do that is to prevent the offences from happening in the first place. These objectives are clearly reflected in the changes proposed by Bill C-54.

Honourable senators, the proposed reforms would ensure that all child sexual offences carry significant and consistent mandatory minimum penalties. They would also assist in preventing such crimes by creating two new offences addressing conduct that often leads to the commission of child sexual offences and by expanding the powers of the court to prohibit suspected child sex offenders from engaging in conduct that may help them to commit an offence.

• (1730)

I will briefly outline the sentencing the reforms. Currently, 12 child-specific sexual offences impose mandatory minimum sentences, but none of the general sexual offences, which may also have a child victim, do so. This means that conditional sentences — house arrest — are available for some sexual offences committed against children, but not for others. However, such offences against children, given their nature and severity, must require a term of imprisonment if the principles of denunciation and deterrence are to be realized.

A situation whereby some sexual assaults against children are treated less seriously than others — simply because they are charged under a different but, nonetheless, similar section — should not be tolerated.



That is exactly what happens under the current law. In 2008, 80 per cent of police-reported incidents of child sexual assault were charged under the general sexual assault offences, section 271 of the Criminal Code. This means that the vast majority of child sexual offences are not subjected to a mandatory minimum penalty.

This gives cause for concern. What is the message the criminal law is sending here? Is it that some child victims of sexual assault are not as important as others? How do child victims feel, given such inconsistent treatment? This incoherent approach to penalties for child sexual offences means the penalties do not adequately or consistently reflect the serious nature of the crime.

Bill C-54 would fix these inconsistencies. First, it would add seven new mandatory minimum penalties for offences that currently do not impose such penalties for child victims.

Three of the new penalties would apply to child-specific offences: bestiality in the presence of a child, luring a child, and exposing one's self to a person under 16 years.

The remaining four would apply to general sexual offences where the victim is a child under the age of 16 years. These offences include incest, sexual assault, sexual assault with a weapon, threats or causing bodily harm, and aggravated sexual assault.

Importantly, Bill C-54 also proposes higher minimum penalties for seven child-specific sexual offences that already carry mandatory minimum penalties.

The goal of this bill is to create a coherent response to all child sexual offences. Similar minimum penalties would be imposed for similar offences. For example, Bill C-54 would increase the current mandatory minimum for sexual interference, when proceeding by indictment, from 45 days to one year. This is the same as the mandatory minimum that the bill proposes to add to the general sexual assault offence, when proceeding by indictment. This makes sense because both of these offences impose a maximum penalty of 10 years on indictment.

Honourable senators, prevention of crime plays a significant role in protection from crime. What better way to ensure the safety of our children than to prevent the crimes from being committed against them in the first place? Bill C-54 seeks to achieve this important goal in two ways. First, it will propose the creation of two new offences that address conduct that generally occurs before a child sexual assault takes place. Second, it will require courts to consider imposing two new specific conditions to prevent a suspected or convicted child sex offender from engaging in conduct that could facilitate the commission of child sexual offences.

The first new offence would prohibit anyone from providing sexually explicit material to a young person for the purpose of facilitating the commission of a sexual offence against that young person. Child sex offenders often engage in this type of behaviour in an attempt to lower their victims' sexual inhibitions. It is part of what is often referred to as the "grooming" process.

Currently, if such sexually explicit material constitutes child pornography, the conduct of the offender would be caught under the child pornography offence. If such material constitutes obscenity, the offender would be caught under the corrupting morals offence.

However, as honourable senators know, child pornography only applies where the material involves depiction of persons under the age of 18 years. The obscenity offence sets an even higher threshold and only applies to extreme forms of sexually explicit material that involve depictions of explicit sexual activity coupled with violence or that are judicially determined to be degrading or dehumanizing.

Bill C-54's proposed new offence would fill a gap in the current law. It would apply where a person provided sexually explicit material to a child for the purpose of facilitating the commission of a sexual offence against that child. Sexually explicit material is defined using terminology that is consistent with its use in other existing offences, namely, voyeurism and child pornography.

This would assist the courts in interpreting the provision in a consistent way. Also, the new offence would only apply where sexually explicit material is provided to a young person for the purpose of facilitating the commission of one of the listed sexual or abduction offences against that young person. The penalties for this offence would range from 30 days to 6 months on a summary conviction and 90 days to 2 years on indictment.

The second proposed new offence would prohibit using telecommunications, such as the Internet, to agree or make arrangements with another person to commit a sexual offence against a child. This proposed offence addresses preparatory conduct that is of grave concern. Adults who conspire to have sexual offences committed against children must be held to account, even where such offences are not actually carried out.

This offence provides an important tool in this regard. It would not only apply to cases where an actual child could be harmed, but also in cases involving police acting undercover. The new offence would include provisions similar to those currently found in the luring-a-child section, which state that it is not a defence if one of the persons involved in making the arrangement is a peace officer, or someone acting under the direction of a peace officer, or if, in either situation, there is no "real" child.

This new offence would include a presumption about the age of the young person. In the absence of proof to the contrary, evidence that the young person was represented as being under the relevant age is proof that the accused believed that the young person was under that age.

The new offence would also include a provision denying the defence of mistaken belief in the age of the young person where the accused did not take reasonable steps to ascertain the age.

The penalty structure of this new proposed offence is a minimum of 90 days and a maximum of 18 months on summary conviction, and one year to 10 years on indictment.

Bill C-54 also ensures, through coordinating amendments with Bill S-2, the Protecting Victims From Sex Offenders Act which received Royal Assent on December 15, 2010, and is expected to

be proclaimed into force soon, that the two new offences it proposes will be on the list of primary designated offences for which forensic DNA analysis is mandatory. Bill S-2 will add many of the sexual offences addressed by Bill C-54 to the list of primary designated offences. Bill C-54 ensures that this list will include all child sexual offences, once Bill S-2 is proclaimed into force, to ensure consistent treatment of such offences by the criminal law.

Finally, Bill C-54 proposes to expand the powers of the court to prohibit convicted or suspected child sex offenders from engaging in conduct that may facilitate the commission of a child sex crime. Right now, the court can prohibit a convicted child sex offender from going to certain places where persons under 16 years of age might be present and from obtaining employment or a volunteer position that might involve being in a position of trust or authority over persons who are under 16 years of age.

• (1740)

For accused persons, a judge may now impose a recognizance if there are reasonable grounds to believe that a person will commit a child sexual offence. Both these provisions are important preventative tools.

Specifically, Bill C-54 proposes to expand the list of offences for which these conditions may be imposed to include the four child-procuring and prostitution offences: procuring; living on the avails of prostitution of a person under the age of 18 years; the aggravated offence in relation to living on the avails of prostitution of a person under the age of 18 years; and prostitution of a person under the age of 18 years.

Bill C-54 would also specifically direct the court to consider imposing a condition prohibiting the offender from having unsupervised access to a young person and unsupervised use of the Internet.

Imposing such conditions would assist in preventing an offender from gaining the opportunity to sexually assault a child and from using the Internet and other technologies that have made it so much easier for offenders to commit sexual offences against children.

Honourable senators, we must protect our children from those who want to abuse them sexually. First and foremost, this protection must involve preventing the commission of such offences. Bill C-54 makes important proposals in that regard. Further, where a sexual assault against a child has occurred, that offence must be severely punished. Mandatory minimum penalties ensure that the principles of denunciation and deterrence are served.

Bill C-54's message is simple: Canada will not tolerate this type of crime. Canada's laws must ensure the right of children to be raised in safe communities.

I hope that all honourable senators will join me in supporting this important bill.

**Hon. Joan Fraser:** Will Senator Runciman take a couple of questions?

**Senator Runciman:** Yes.

**Senator Fraser:** Thank you and congratulations on that helpful description of this bill. As the honourable senator knows, the Standing Senate Committee on Legal and Constitutional Affairs has been busy with a number of bills, and I am beginning my learning curve on this particular one. Therefore, I was grateful for the honourable senator's careful explanation of it.

I would like to seek clarification on a couple of things at this point, if I may. I think I heard the honourable senator say that sexual assault will now carry a mandatory minimum sentence of a year. Did I hear correctly that minimum includes any sexual assault committed by anybody? Let us bear in mind that the term "sexual assault" in law covers a wide array of offences, including not only what we normally think of as sexual assault but things all the way down the scale to somebody getting drunk at the office Christmas party and stealing a kiss, which is offensive but not as serious as rape.

**Senator Runciman:** If my understanding is mistaken, I will rectify it in a response to the honourable senator. However, I believe this bill covers offences dealing with children.

**Senator Fraser:** Only with children?

**Senator Runciman:** Only with children, yes.

**Senator Fraser:** My second question has to do with clause 15 of the bill, which is on page 8, at line 23. It deals with proposed subsection 173 (2):

Every person who, in any place, for a sexual purpose, exposes his or her genital organs to a person who is under the age of 16 years

(a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than two years and to a minimum punishment of imprisonment for a term of 90 days; or

(b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than six months and to a minimum punishment of imprisonment for a term of 30 days.

I think we all wholeheartedly agree that people who engage in indecent exposure before children are not socially desirable and should be punished. However, as I read this provision, it would apply to every person; it could apply to a 16- or 15-year-old who is with another 15 year old when the two of them engage in sexual relations. While I am sure no one in this chamber wants to encourage excessively young sexual relations, do we want to send the kids to jail?

**Senator Runciman:** That is an interesting question and I am sure we will pursue it at committee. I believe the bill would not deal with the situation the honourable senator described. I would share her concern if it does.



**Hon. Larry W. Campbell:** Honourable senators, I want to thank Senator Runciman for his thoughts. I will be the critic on this bill. I wanted to hear what he had to say, and I will address the bill tomorrow. Therefore, I move the adjournment in my name.

(On motion of Senator Campbell, debate adjourned.)

## THE ESTIMATES, 2011-12

### MAIN ESTIMATES—ELEVENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report (interim) of the Standing Senate Committee on National Finance, (*Main Estimates 2011-2012*), presented in the Senate on March 22, 2011.

**Hon. Joseph A. Day** moved the adoption of the report.

He said: Honourable senators, this report is not unlike the report that I gave yesterday with respect to Supplementary Estimates (C). The Main Estimates are just another piece of the puzzle that we deal with on an annual basis. This report is the interim report on the Main Estimates that begin April 1. We are required to submit an interim report, but we have the mandate to deal with the Main Estimates throughout the year. That is what we will do on behalf of honourable senators. This report gives honourable senators a snapshot of what we have seen as a first look and after hearing from a few witnesses in relation to the Main Estimates for next year.

We should anticipate receiving on Friday the supply bill that will go along with the Main Estimates and that will provide for interim supply to the government in that it gives the government an appropriation to deal with matters where funds do not flow from statutes for a particular period of time. Typically, that period of time is three months, but we will see on Friday whether that typical three-month interim supply holds in this particular political climate. Regardless, the government will look for some interim supply from this main supply.

Honourable senators will all have received the Main Estimates for the year. There is a schedule within those estimates. When we receive the main supply bill, we will compare the schedule we have studied to what is in the bill. If they are the same, which they typically are, that study then allows us to have effectively pre-studied the bill. That will mean that what we have studied is the bill and we will have completed a pre-study of that aspect of it. Therefore, it would not be necessary to send the bill to committee when the bill arrives here, since we will have looked at it already.

• (1750)

This report and the work that we have done thus far does not deal with what is in the budget that came out on March 22. That budget was in the works but was private to the government, whereas this set of estimates for the coming year began to be developed in the fall and in the early part of this year.

Honourable senators, we should anticipate that any initiatives in the budget that are adopted for the coming year will be in supplementary estimates. It was one of those supplementary estimates that we spoke to and adopted the report on yesterday, Supplementary Estimates (C).

For the last two or three years, there have been three supplementary estimates during the year, when the government comes forward and says, "We now need some money for this new initiative or for something that was not fully developed when we did the Main Estimates." We are at the front end of a new fiscal year, and the government is looking for interim supply in that regard.

We looked at the Main Estimates once they were sent to us, and we met with Treasury Board Secretariat, as we normally do. I think it is important for my Deputy Chair, Senator Gerstein, and the other members of the committee to acknowledge the good work that Treasury Board is doing and the good guidance that they provide to us. They are very responsive to some of our concerns.

We met with Correctional Service Canada and the Department of Finance Canada from the point of view of their estimates and the money that they anticipate spending. In fact, that is what we discuss with the departments. We ask them what amount of money they anticipate they will need to spend over the next year.

We look at both those voted appropriations that we will be required to vote through the supply bills as well the statutory appropriations for which authority for spending is given in the statutes that we pass here in this chamber. However, we still want to know how much they anticipate they will spend during the coming year. We will look at statutory expenditures, which we are not authorizing but just looking at them, and we look at the voted appropriations.

One of the areas we looked at was the PPP, or Private-Public Partnerships Canada Inc. This is a new initiative of about two years ago, and we thought we better bring them in and talk to them. Honourable senators will see that we found some interesting information while talking to representatives of Private-Public Partnerships. We found that Canadian Heritage is almost a basket department that has many different agencies, associations and groups that fit under that general rubric. We could only pick and choose a few of those within Canadian Heritage to explore further. Finally, Agriculture and Agri-Food Canada was an area of interest to us. I can briefly refer to some of the points that came out of this particular interim view.

Honourable senators, \$276 billion is the overall amount, \$278 billion for the coming year. This is what the government is spending of combined voted appropriations and statutory appropriations. The figure is significantly less than it would be if we had continued the stimulus package. On many of these matters, we see reductions in departments. However, when you delve into the reason for the reduction, it is as a result of the end of the stimulus spending. That was helpful, but we wanted to ensure that it was in fact the case in each instance when we saw some reductions, so we delved into that a little more thoroughly.

Treasury Board Secretariat, for example, talked to us about 28 per cent of forecasted expenditures being allocated to operating and capital expenditures. We tried to analyze what goes into operating and what goes into capital. Treasury Board Secretariat indicated that 60 per cent of the expected expenditures would consist of transfers. Think about that, honourable senators: 60 per cent of the government money on an annual

basis goes to transfers, either to pensions that are paid out or to transfers and equalization payments. That means we are down to 40 cents on every \$1 that the federal government can deal with. From the 40 cents, what percentage goes to interest charges on the debt that is accumulating and growing larger each year? That is down to 12 per cent at this time, and it is expected to grow as our debt grows with deficits on an annual basis.

Honourable senators, the flexibility that the government has to look after program spending, which is the area that we all focus on, becomes less and less, because the transfer payments — the Canada Health and Social Transfer — will not go down. The provinces need those transfer payments. As interest rates increase and as debt increases, that portion gets bigger and bigger. You have less and less money available to deal with program expenditure. We analyze that on an annual basis to see where we might be going. Fortunately, the interest rates have been very low over the past while, which has provided more flexibility than would normally be the case. That will not last forever, as we all know and therefore, there will be a high wall to overcome in the near future.

Honourable senators, we discussed the budget freeze at length. The budget freeze is with respect to the envelope of money that goes to each department. You say, "Okay, department, you manage that money. We will not give you more money for extra salaries or any salary increases that have been negotiated through collective agreements." Where does that money come from? It comes from operating or capital. It is other operating activity, other programs, that you might otherwise want to see, but the department is not able to do them because they have to find within their envelope, which has not increased, money to pay for increased salaries. That is beginning to have an impact. The base year was last year. It is to be applied for the next two years, based on this base year. That will continue.

This is the first year we saw capital expenditure carry forward provisions, and 20 per cent of capital expenditures that were not expended, for whatever reason, will not lapse or will not have to be re-profiled or approved by us to go into another year. That means that 20 per cent that is not spent can be moved forward into the next year. This is a new provision, and we do not know whether that will continue. Previously, we saw 5 per cent of operating and capital, and this is 20 per cent for capital, which is a new initiative to try to encourage departments that have funds approved for capital but do not spend them not to spend recklessly and irresponsibly, since they know they can have 20 per cent moved into the next year. It makes good sense and I am hopeful that we will see that initiative continued over another year.

• (1800)

Honourable senators, Correctional Service of Canada is an area we should talk about. The total increase is \$522 million and \$458 million of that, which is 88 per cent of the forecasted expenditure, is attributable to costs associated with the implementation of the Truth in Sentencing Act. Honourable senators have heard discussions about that cost here on several occasions. We are now starting to see the impact of that act for the coming —

**The Hon. the Speaker:** Honourable senators, it being 6 o'clock, pursuant to the Rules — Senator Comeau?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have discussed it with the deputy leaders on the other side and I wonder if there would be agreement, unanimous consent, that we not see the clock and continue on the Order Paper.

**The Hon. the Speaker:** Is it agreed?

**Hon. Senators:** Agreed.

**Senator Day:** There is \$458 million more attributable to the Truth in Sentencing Act. That estimate does not take into account the additional costs that will be incurred, and must be incurred, by the provincial and territorial governments. We see that item as a growing concern. That figure is only an anticipated figure as the legislation starts to take hold.

We had the Department of Finance in to talk about their expenses. Primarily, we talked about interest rates. We also talked about a particular project related to the stimulus package that would be a continuum. That project was with respect to the Department of Finance buying up mortgages from our financial institutions so that the financial institutions would have more funds to do other things with, and put more money out for more mortgages to keep things going during the economic downturn.

That program was not taken up to the extent anticipated. Therefore, the Department of Finance had shown a reduction in the amount of money they needed for interest. The interest is interest on loans, but also interest on these mortgages that they bought up. There was a saving in that regard, which was explained to us; and we understood it better once we had the Department of Finance in to talk to us about it.

With respect to provincial transfers and equalization, the program —

**The Hon. the Speaker:** Senator Day's 15 minutes have expired.

**Senator Day:** Honourable senators, can I have an additional five minutes, plus the one minute and a half that I lost while we determined whether we would see the clock or not?

**Senator Comeau:** Five minutes is fine.

**Senator Day:** Six and a half minutes, thank you. Provincial transfer and equalization is not changing this year, but keep in mind, honourable senators, that the agreements are coming up for renewal. The expiry date on the current agreements with respect to health, social transfers and general equalization is March 31, 2014.

There will be the need for serious work in relation to those various transfer programs prior to that date. Another agreement in health, wait list reduction transfers, valued at \$250 million a year, also expires at the end of March 2014.

On the harmonized sales tax, British Columbia and Ontario received \$3 billion from the federal government in transitional assistance in that regard. Honourable senators might have heard Mr. Duceppe discussing that subject from the point of view of Quebec.



Honourable senators, before my time runs out again, I would like to talk generally about PPP Canada. I will summarize. We were surprised, frankly, that Public-Private Partnerships Canada appears to be, at this stage, only another granting agency. We felt that it would have been operating more on a business footing, with a contribution from the government and a contribution from the private sector all moving together to build infrastructure that might not be built otherwise purely from the public purse point of view.

We discovered, honourable senators, that \$1.2 billion over five years has been put into this program. There are 40 employees and the organization wants more employees. Their annual operating budget is \$12.7 million, and in two and a half years, they have made three grants — not three investments, but three grants.

We were shocked by that finding. Over \$500 million was transferred to them and they put out \$1 million in grants, so they are sitting on a large bank account. Honourable senators, we will want to keep a close eye on that particular initiative. If the organization is only a granting agency, we already have several granting agencies and economic development tools in existence, so why do we need to create another infrastructure? That is one of the things that we found.

I mentioned Canadian Heritage. Their operating budget overall is \$34 million less. As to where that reduction will come from, they said they can save it basically from within, but we will see.

With respect to Agriculture and Agri-Food Canada, a final area I wanted to mention, many programs are coming to an end at the end of this month, which is only next week. There is a reduction in expenditure in that particular department of \$192 million in voted appropriations and \$226 million in statutory appropriations.

What we were told by Treasury Board and by Agriculture Canada when they came before us is not to worry because the budget will have things that are not in the Main Estimates. We understand that. I explained that earlier, that the Main Estimates do not include budgetary initiatives.

However, I went to the budget. We had the value and benefit of the budget, and if we look at the budget, it says that we will be looking forward to Growing Forward 2, which is the name of the program that will be launched in 2013-14. For the next two years, there are few initiatives, and I see none of those initiatives that are sunset and were in many different sectors of agriculture. That will be an area of concern, unless we see something that is not in the budget come forward in some of the supplementary estimates.

Honourable senators, those are the highlights of the report. The report is much more extensive and has much more detail. Of course, the Main Estimates are equally in much more detail. Assuming this particular report is adopted, it will form the basis for us adopting, later this week, the supply bill for interim supply between April 1 and the end of June.

**Hon. Irving Gerstein:** Honourable senators, I am honoured to rise in this place today to speak on the Main Estimates for the fiscal year 2011-12. I do not say I am honoured merely because it is customary to say so, and I do not say it because it is always an

honour to address this august assembly, although that is also true. Rather, I say it because I am genuinely proud of this government's track record of strong economic management, and these estimates are another small step in extending that track record.

• (1810)

The appropriations detailed in these estimates reflect the next phase of *Canada's Economic Action Plan*, which is thoroughly detailed in Budget 2011, tabled yesterday in the House of Commons. However, honourable senators, before I go too far in describing what the future holds, a brief review of recent economic trends may be helpful.

Two years ago, Prime Minister Harper stated that Canada was the last advanced country to fall into this recession, that we will make sure its effects here are the least severe, and that we will come out of this faster than anyone and stronger than ever.

Honourable senators, that is exactly what is happening and all Canadians should be very proud of that. Long before anyone saw the recession coming, this government cut taxes for consumers, lowering the federal sales tax from 7 to 5 per cent. We enacted targeted personal tax reductions, lowering the tax burden of the average Canadian family by \$3,000. By the time the recession struck, the federal tax burden in Canada was already at its lowest level since Prime Minister John Diefenbaker was in office some 50 years ago.

Thanks to measures like these, in addition to the solid foundation on which our financial sector has been built over the years and, I emphasize, under governments of both stripes, Canada was able to weather the recession better than most countries.

When the recession hit, the Government of Canada, like our economic partners throughout the world, responded with a large-scale stimulus program.

However, we did not just throw money around arbitrarily in the hope that it would do some good and we did not create major new spending programs and bloated bureaucracies that would persist after the crisis was over. Instead, we slashed red tape; we accelerated thousands of planned investments in public infrastructure that will support economic growth for generations to come; we removed tariffs from manufacturing inputs like machinery to boost the productivity of Canadian companies; we provided targeted help to hard-hit industries and Canadians who had lost their long-term employment through no fault of their own; and we provided extra funds for work-sharing so companies and employees can avoid the painful ordeal of layoffs, retraining and subsequent rehiring.

Honourable senators, thanks to *Canada's Economic Action Plan*, our country is indeed, as the prime minister promised, emerging from the global recession stronger than ever. Do not just take my word for it, honourable senators. The proof of the pudding, as they say, is in the eating. As my colleagues on the other side know very well, having been schooled in such matters by the Right Honourable Jean Chrétien — and I quote him directly — “a proof is a proof.”

Honourable senators, here is the proof.

The Canadian economy has created 480,000 jobs since the trough of the recession in July 2009. This means there are more Canadians working today than there were before the recession struck. Few other developed economies have even come close to recouping all their jobs. Canada's job growth is strong because our overall economic growth is strong. Indeed, we have the strongest economic growth in the G7 by a wide margin. Canada has had six consecutive quarters of growth and our economic activity today exceeds pre-recession levels.

Canada also leads the G7 when it comes to the growth of disposable income per capita, meaning that Canadian families have more money to spend on their own priorities. The marginal effective tax rate on new business investment in Canada has been cut almost in half under the current government and is now the lowest in the G7. Thanks to the government's five-year plan to reduce business taxes, which became law in 2007 with the support of our Liberal friends in the other place, Canada's business tax rate will fall below the OECD average in 2012.

As leading economist and tax expert Jack Mintz recently noted, this will create a powerful allure for businesses to expand their operations in Canada, creating tens or even hundreds of thousands of jobs with negligible costs to the federal treasury.

Honourable senators, the first phase of *Canada's Economic Action Plan*, the direct stimulus phase I just described, is not without cost. However, note that the Conservative government did not tax and spend. That would have only made matters worse, but we did borrow and spend. Nevertheless, honourable senators, Canada's total government net debt as a percentage of our economy, and this includes all levels of government, is still by far the lowest in the G7.

In addition, we have a solid plan to bring our budgets back into the black over the next four years. The deficit shrank by more than 25 per cent in the past year and our plan will shrink it by the same amount again in the coming year. The Conservative government is on track to meet its goal of balancing the budget by fiscal year 2015-16. In fact, we are slightly ahead of the curve we projected in the economic update last fall. However, I caution all honourable senators that we are still early in the process and nothing can be taken for granted.

Private sector economists expect real GDP growth of 2.9 per cent in 2011. This is half a percentage point higher than the rate they forecasted at the time of the fall economic update. They now expect nominal GDP, the best measure of the tax base, to be more than \$20 billion higher than the private sector economists predicted last fall.

As honourable senators are aware, the forecasts produced by the knowledgeable and hardworking economists in the Department of Finance are based on an average of over a dozen forecasts by some of Canada's leading financial and economic institutions. The government then adjusts the private sector forecasts for nominal GDP downward by \$10 billion per year for budget planning. Therefore, honourable senators, the government forecasts are very conservative indeed. Canadians can have confidence that the plan laid out by this Conservative government will balance the budget by 2015.

This brings me back to the Main Estimates for the fiscal year 2011-12 and the next phase of *Canada's Economic Action Plan*. Of course, in speaking of Canada's economic future, I am assuming that, one way or another, this government will retain its mandate to implement *Canada's Economic Action Plan*.

Honourable senators, it was British Prime Minister Anthony Eden who observed in 1956, "Everyone is always in favour of general economy and particular expenditure." We see the timeless truth of this remark in the calls of the opposition for massive new spending programs even as they criticize the deficit. These are contradictory policies that can only be reconciled by a job-killing, recovery-halting agenda of higher taxes.

Honourable senators, we must not stray down that path. We must stay on our course toward a balanced budget. However, we must do so through spending restraint and sound policy, not higher taxes. The Conservative government will increase revenues by creating the conditions for economic growth. We will increase the tax base, not the tax rate.

However, while holding the line on expending, we must avoid balancing the budget at the expense of transfers to the provinces for vital services such as health care and education. We also cannot afford to neglect our core responsibilities at the federal level, such as maintaining a capable military.

In summary, honourable senators, we must find a realistic balance between general economy and particular expenditure.

The Main Estimates for 2011-12 and Budget 2011 do just that. They contain no funding for professional sports facilities. They contain no plan for a 45-day work year. In short, they contain nothing that would require a regressive GST hike or higher taxes on job-creating businesses.

Honourable senators, allow me to describe some of the salient details in the estimates. The estimates detail \$250.8 billion in planned budgetary spending for the fiscal year. This is a decline of \$10.4 billion from last year's Main Estimates. Most of the reduction is attributable to lower statutory expenditures as a result of Canada's continuing economic recovery. For example, Canada's impressive job growth has led to a significant decline in the amount of Employment Insurance benefits that must be paid out. However, the government's ongoing efforts to restrain costs is evidenced by the fact that the total voted budgetary expenditures in these Main Estimates are 4.6 per cent lower than those described in the estimates for 2010-11. Voted appropriations for program and operating expenditures in particular have declined by \$720 million, or 1.5 per cent.

• (1820)

Some of the officials who appeared before the National Finance Committee explained that many of these differences between the Main Estimates for 2010-11 and those for 2011-12 can be attributed to economic action plan initiatives that have simply run their course. It should be noted, though, that while most of the government's stimulus measures expire on March 31 of this year, some will continue into the new fiscal year. For example, the time frame during which economic action plan infrastructure projects will be eligible for federal funding has been extended until



October 2011. This involves no additional cost to the federal government; the money has already been dedicated to stimulus infrastructure projects and is simply being stretched over a longer time frame to allow projects already approved and under way to be completed.

As I mentioned earlier, honourable senators, not every area of expenditure is being reduced in our drive to balance the budget. For example, our Conservative government has promised not to transfer the burden of the deficit to the provinces. True to our word, the Main Estimates for 2011-12 indicate a 6.3 per cent increase in health transfers to the provinces, a 2.7 per cent increase in social transfers and a 2.1 per cent expansion in equalization payments. These increased transfers to the provinces are in keeping with multi-year arrangements between our government and the provinces to provide stable and predictable funding for health care, education and social services.

Our government is also committed to providing the Canadian Forces with the tools and resources they need to do their vital work effectively and as safely as possible. These Main Estimates reflect a planned increase of \$200 million in total budgetary expenditures by National Defence.

Honourable senators, those are examples of particular expenditures to which our government remains committed, even in the current climate of general economy.

In closing, I need not remind honourable senators that the Main Estimates are just the first of the four sets of estimates we will see through the fiscal year of 2011-12. They do not reflect new initiatives contained in Budget 2011. I know honourable senators are looking forward with great enthusiasm to debating the legislation to implement these new measures whenever that opportunity presents itself.

**Senator Day:** Will the honourable senator accept a question?

**Senator Gerstein:** With pleasure.

**Senator Day:** I congratulate the honourable senator on the presentation of that speech. I was listening intently, but I think it would be helpful for this chamber to know whether he supports the report that is under discussion at the present time.

**Senator Gerstein:** As the honourable senator is aware, I am delighted he asked that question. I very much support the report under discussion at the present time.

[Translation]

**Hon. Fernand Robichaud:** Honourable senators, the honourable senator made a speech. He often gets carried away. However, when asked by Senator Day, he said that he supported the report. I do not believe that he was referring to the same report that Senator Day was talking about. Could you clarify?

[English]

**Senator Gerstein:** I thank the honourable senator for asking that question. I have been accused throughout my life of being a little over-enthusiastic; it is one of the things I have had to deal

with. I know the Canadian people are looking forward to getting this report through, because they know the budget contains the right things for Canada.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted, on division.)

[Translation]

## ROYAL ASSENT

**The Hon. the Speaker** informed the Senate that the following communication had been received:

RIDEAU HALL

March 23, 2011

Mr. Speaker:

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 23rd day of March, 2011, at 5:57 p.m.

Yours sincerely,

Stephen Wallace

The Honourable  
The Speaker of the Senate  
Ottawa

Bill Assented to Wednesday, March 23, 2011:

An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts (*Bill C-59, Chapter 11, 2011*).

[English]

## CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Dennis Dawson** moved second reading of Bill S-227, An Act to amend the Canada Elections Act (election expenses).

He said: Honourable senators, I know at least one honourable senator — Senator Gerstein — has been anticipating my speech. I was expected to make on the fourteenth day. I wanted to do make this speech next week but for all kinds of reasons, I will not have the occasion to do so. My speech has created expectations and I will try to live up to them.

[ Senator Gerstein ]

Honourable senators, I will give a short explanation of the bill. Those honourable senators who were in the chamber have heard this bill and the various explanations of it. There is no intention of stopping people from advertising between campaigns. Rather, it just tells them that if they are to do it, they must budget it in the campaign if it is done during the three months before the campaign.

This bill is built on certain principles. Since I am reintroducing the same bill, I will repeat myself a few times on the justifications and principles behind it. I will also be listing some of this government's outrageous behaviour. The behaviour is not the same as last time. It is just a longer list. I will try to update that list with the novelties that the Harper government has enriched us with.

[Translation]

The first principle on which this bill is based is the following: elections should not and must not depend on the size of a political party's coffers. The results of our elections should be based on who, in the opinion of Canadians, presents the best ideas for the country. Elections are a battle of ideas and not a battle to see who can spend the most money. This way of doing things, where ideas are more important than money during an election campaign, is a long Canadian tradition that goes back to Mr. Diefenbaker. The origin of having a level playing field during an election campaign was promoted and defended by Mr. Diefenbaker. I know that you quote him often and that is why I am quoting him today.

Money should not allow a party to influence public discourse. To ensure that all political parties have the same chance of expressing their ideas, we should return to traditional values. The Canada Elections Act sets limits on the amount that the parties can spend during election campaigns. That is the spirit behind this philosophy.

• (1830)

The vast majority of Canadians accept the Canada Elections Act with regard to the level playing field.

[English]

We have had this tradition of a level playing field for decades now, but the current Conservatives are trying to change that Canadian tradition. The present government came to power promising to do away with the role of big money in politics, but now they are trying to change that tradition of a level playing field.

The first principle of this bill is to reduce the power of money in politics, to ensure that richer political parties cannot buy elections simply because they have more money, and to protect the level playing field so all candidates and parties can present their ideas.

The second principle is also a Canadian tradition that goes back to Mr. Diefenbaker and probably goes back, Senator Gerstein, even to Senator Meighen's grandfather. Following last month's accusations, I know some honourable senators on the other side will not like this principle, but it is a major one in every

democracy: the principle that we should not abuse loopholes in legislation. Thinking that we can get around the loopholes in legislation and thinking it is okay as long as we do not get caught by Elections Canada is wrong.

Clearly, there is a loophole in the Canada Elections Act, since the Conservatives introduced their fixed election date legislation. If we have fixed the election date by legislation, if that law was respected — it was not respected last time, and obviously will not be respected this time around — for the three months leading up to the campaign, any of the political parties can spend millions and millions of dollars trying to influence the electorate, and that is not the traditional, Canadian way. With elections theoretically being tied to fixed election dates, we know that an election will take place and can easily start spending. Clearly, if a party can engage in an advertising free-for-all blitz immediately prior to visiting the Governor General, there is a loophole in the current legislation. This sort of campaign does not respect the essence of the Canada Elections Act. They are allowed to advertise again, but they are held accountable for it.

[Translation]

With fixed election dates, all the parties know the date of the next election and can easily launch advertising campaigns months in advance without the campaign being subject to the law.

This situation is even more worrisome when there is a minority government. As soon as an election seems to be on the horizon, all the parties throw themselves into a pre-election frenzy. Honourable senators know as well as I do, that, with a minority government, there are threats of elections every six months, this week being no exception.

Whether the opposition withdraws its confidence in the government or the Prime Minister decides to violate his own fixed election date legislation, as Mr. Harper did in 2008, elections always seem to be imminent when there is a minority government.

Are we therefore always going to have advertising and pre-election campaigns each time there is a threat of an election? I sincerely believe that Canadian parliamentarians are paid to govern, not to hold campaigns every three months.

This brings me to the third principle, concerning permanent campaigns.

[English]

The Canadian way is also to work and govern between elections, not to spend most of the time campaigning against other political parties. For decades, political parties waited for the election call before launching their official campaign, but now the Conservatives are trying to impose on Canadians a permanent campaign strategy, as exists in the U.S., where representatives spend one year collecting money and one year spending it instead of spending time governing. It is not a nice model to follow. There are some things we would like to follow in the U.S., but that is not one of their great qualities.



The day after I tabled this bill, last month, on February 3, the *National Post*, a newspaper that honourable Conservative senators know better than I, stated:

... the Canadian political landscape moves further into what some experts call a “permanent campaign.”

It was not a supportive editorial, trust me.

I do not believe in permanent campaigns because it is not the Canadian way. The Canadian way is to debate ideas, not to throw money around all year long and to try to discredit your opponents. The Canadian way is also to work and govern between elections, not to spend the time campaigning. Canadians expect their parliamentarians to develop and work on legislation, not on electoral advertisements on a permanent basis. That is precisely why I reintroduced my bill. I sincerely believe Canadians deserve a debate on the kind of politics they want in this country.

The Liberals will not sit here and watch the Conservatives change this tradition, so we have to react. I believe that we have to debate this shift in the way we conduct politics in Canada. The core question of the debate is, do we want to be in a permanent electoral mode, as the Conservatives are trying to put us, or do we want to preserve Canadian traditions of fair elections where ideals prevail over money?

The Conservatives are trying outrageously to change this Canadian tradition by spending, spending and spending outside electoral campaigns. When I spoke last time on this bill, in 2009, the essence of this issue was that about \$5 million was being spent on campaigns. Spending certainly has not gone down since that time.

It is worth mentioning, though, that although the Reform-Tory alliance spent that much money, they were still not able to influence the electorate into supporting them. Granted, they probably had some negative influence on our party, but the reality is that, even with all that spending, they did not go up in the polls. Do honourable senators think spending another \$4 million this year will help them more? I do not believe that.

Last week, the media announced that the Harper government, the re-branded government, has spent \$26 million on an advertising blitz to promote the government's action plan. The current government should be ashamed of the use and abuse of taxpayer money for partisan purposes. The saying “the end justifies the means” applies well to the Conservatives. For them, anything can be done to achieve their political goals.

Not only do they abuse power, but they abuse government resources — government resources such as the Prime Minister's office and residence — in partisan advertisements, as Senator Mercer mentioned, and the use and abuse of ministerial staff on the part of Minister Kenney. The list goes on forever. I will jump over a few examples, but the best one is the newest one. There is a signing machine in Ms. Oda's office, because the minister indicated the machine signed the note. This is a first, honourable senators. We have heard blame the opposition and blame the bureaucrats. They have been doing it for five years. Blame the previous government? It has been done. We heard it before. Blame the media? We all heard it before. Blame the signing machine? That one is a first, honourable senators.

We have government cheques with the Conservative logo and disproportionate spending in Tory ridings as compared to other ridings, and the list goes on.

The use of government resources by the Conservatives is clear and well known to most of us. In my opinion, this use is problematic. I think this bill is only a first step in amendments to the Canada Elections Act. The Conservatives are going so far in their abuse that I believe we will have to go eventually to a more realistic debate.

I would like this bill to be sent to a committee so we can debate some of these issues that are changing the way Canada is perceived elsewhere. For example, I believe that we should legislate on the use of public broadcast corporation footage by political parties. The Conservatives were accused of using CBC footage. The Conservatives have used recently, without consent and against the will of the CBC, images and footage owned by the public broadcasting corporation. The CBC has to remain neutral, and political parties should not be allowed to use its content for partisan reasons. This use, I believe, is unacceptable.

More and more Canadians are being cynical about politics and their politicians. The participation rate in the last election is a good example of this cynicism. I believe that the Republican-inspired attack ads are partly to blame for the fact that Canadians are turning off politics. I believe that attack ads are a major factor in this situation simply because Canadians do not like them. Canadians are looking for a higher and more constructive political discourse than attack ads.

I am not bringing this bill forward to whine. I am bringing this bill forward because I think it is a subject that should be debated. Negative ads turn Canadians off. They turn off voters, which is a known objective that the Tories share with the right-wing parties in the United States. The fewer people that vote, the more the right-wing parties win. Narrowcasting is a political objective. Lowering turnout strategy is an objective they share. The fewer people that vote, the more right-wing ideologues win.

We all know that the smaller voter turnout always helps the Tories. It was useful last time. They received fewer votes than in the election before, but they still won. I guess they are attaining their objectives. They received fewer votes in 2008 than in 2006, but they still gained more seats. If that is their objective, at least come out and say it. They share a lot with the Republicans, but contrary to Republicans, they do not have the courage to face it. If we are to campaign permanently, like the United States, maybe we should try to campaign like them. Maybe Conservatives should have their leader say, “I am Stephen Harper, and I approve these ads.” He has never done that because I am sure he is probably a little bit embarrassed by those advertisements; but I think if you are going to be imitating the Americans, go all the way.

• (1840)

**Senator Tkachuk:** What is a negative advertisement?

**Senator Dawson:** I am sure you have seen them in Saskatchewan.

**Senator Cowan:** I think you have their attention, Senator Dawson.

**Senator Dawson:** I am supposed to be chairing a committee in five minutes, so I will be leaving. However, I do not think the Prime Minister would say "I am Stephen Harper and I approve these lies"; I know we are not allowed to say "lie," but every time they were criticized after having aired them because they were lies, they took them off. However, they still have an aim of turning off Canadians, which is a well-known objective. The less people vote, the more you think you have a chance of winning.

[Translation]

In conclusion, honourable senators, in order to put an end to Canadians' cynicism with regard to politics, and for the good of Canadian democracy, we must hold elections that are won with ideas and not with money.

[English]

Honourable senators, I believe this bill is needed because it would preserve the Canadian tradition, end permanent campaigning and in the end, hopefully, restore people's appetite for elections and politics. When you pride yourself in weakening the voter participation in a democratic state at a time when the world is asking for a greater voice in democratic elections, the only word I can use for this is "pathetic."

Honourable senators, as with most Canadians, I do not believe in permanent campaigning. I believe in fair debates; I believe in politicians who work for Canada instead of fighting permanently.

Honourable senators have probably heard the Liberal response to the Conservative negative advertisements because, yes, opponents always have to respond. They do not just sit there and watch. This is probably why permanent campaigns are bad. As soon as one starts, the other one responds, which opens a vicious circle of political and partisan replies.

Remember, the Liberal response was "Is this your Canada or Harper's?" Let me tell you something, honourable senators, permanent campaigns are not my Canada; they are Harper's. I truly believe in our Canadian tradition. I believe that elections should be decided through a fair contest of ideas, not through a contest of who can spend the most. Most of all, I know that most Canadians across the country believe that the politician's first priority should be to govern, not to campaign permanently.

[Translation]

**Hon. Suzanne Fortin-Duplessis:** Would my honourable colleague accept a question or comment?

**Senator Dawson:** Yes.

**Senator Fortin-Duplessis:** Senator Dawson, you listed various mistakes that the government supposedly made, but does the senator not think that his party's attitude was the cause of all of this?

All of the parties were aware that a budget would be presented in the House of Commons and, over a month ago, the Liberal leader declared that he would not approve it and that he would not even read it. In fact, that statement, which made no sense, elicited some reactions. That is my comment.

**Senator Dawson:** Honourable senators, I must say that the Liberal Party based its decision regarding this government not only on the budget, as you know, but also on the contempt of Parliament, on all of this government's actions in recent weeks, on all of the scandals — including Carson and "hug-a-thug" in the PMO. All these actions led our party to conclude that we could not continue to support this government. When there is no longer confidence in the party in power, it is the role of an opposition party to defeat it. That is what they will do in the other place and then it will be up to us to campaign so that we can get back to the other side of the house.

[English]

**Hon. Irving Gerstein:** Your Honour, I will be the critic on this bill and plan to speak to it tomorrow. I move to adjourn this bill in my name.

(On motion of Senator Gerstein, debate adjourned.)

## PATENT ACT

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the second reading of Bill C-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

**Hon. Stephen Greene:** Honourable senators, after the fine speeches from my colleagues regarding Bill C-393, I am happy to have the opportunity to add my voice. Let me begin by mentioning that the goals and spirit of this bill are such that being the critic is not an enviable task, as I am rather conflicted. Indeed, my heart and my hope are for the intentions of this bill.

As a Canadian with a keen eye on our position in the international arena, I do believe that the intentions of this bill are in step with our priorities of health promotion in areas of the world that truly need our help. Further, we have an obligation as one of the wealthiest, most generous countries on earth to listen and to know about instances of human suffering when they happen and to act when we can.

With all the calls and emails to various parliamentary offices regarding this bill, with all the media hype, with the rock stars getting involved and the well-orchestrated, heartfelt and sincere lobby surrounding this bill, it would appear that the solution to drug access and supply to Africa might be solved, or at least positively impacted in a significant way, with support and passage of the bill in this chamber. Unfortunately, I do not believe that is the case.

Honourable senators, this bill is not a silver bullet or anything close to it. It will not fix the problem it aims to fix and it might even create new problems. I will attempt to explain why.



What passage of this bill essentially would do is facilitate an unpopular and expensive purchasing option for those groups or countries obtaining medicines for Africa. The simple fact is that already, without any application or bureaucratic headache, African health care providers can obtain cheaper medicines from generic drug manufacturers in other countries than we can provide from Canada. This is good news. There are drugs making it to Africa. Some people are being treated — not enough, for sure, and more medicine is needed, but there is an option that has traction and there are deliveries of medicines and treatments happening all of the time.

This bill, if passed, will provide another purchasing option, but at a price that is more expensive than our competitors in India and other countries such as Brazil can provide. The bill would also create a legal avenue that features fewer obstacles for access. It would not generate higher demand for Canadian generics, however, and unfortunately it would also put Canadian patents at risk.

When CAMR was first enacted, it was imagined that countries in Africa would be lining up to use the legal procurement avenue that it provided. Those countries did not line up. In fact, only one country has used the program. That deal, between Rwanda and the Canadian company Apotex, was the result of a real effort on the part of both entities to attempt to try out the program.

Honourable senators, it is important that we understand that CAMR has not failed because of bureaucratic reasons; rather, it has failed because of economic reasons. A bill similar to this one came before the Standing Senate Committee on Banking, Trade and Commerce, of which I am a member, in the autumn of 2009. It was at that time that I gained familiarity with this issue. I was able to meet and speak with many stakeholders, including the grandmothers whose dedication and passion for this cause I sincerely admire.

However, within the context of the specific failings of the bill, I would like to mention here some of the opinions of Dr. Amir Attaran, associate professor in the faculties of law and medicine at the University of Ottawa. Dr. Attaran is a passionate advocate of health initiatives in Africa and around the world. He had this to say about CAMR and the proposed legislative changes to it:

In a correct diagnosis, CAMR has failed for economic reasons, not for legal reasons. Where the causes of CAMR's failures are deeply economic, it stands to reason that amending the housekeeping provisions of the law is not likely to help.

• (1850)

Dr. Attaran went on to say:

We would all agree that CAMR exists to foster the export of Canadian generics to poor countries; but obviously for that export to take off, the precondition is that Canadian generics must be price competitive with other generics on the global market. That is necessary as a starting point. The trouble is that through no fault of CAMR or those who worked for it, Canadian generics are one of the most expensive generics in the world. Therefore, no poor country is eager to buy them.

Here is the most important point: What poor country in its right mind would buy generics from Canada that it could buy elsewhere for half or less than half the price? The poor country doing its comparison shopping would rather buy from America, India, China or Brazil — anyone but Canada.

Dr. Attaran's analysis is thorough on the subject. He also provided us with the insight that, if we effected the changes sought in this bill, we would be contorting our patent law into a shape that is already being tried by some of the 27 countries in the European Union. They have not yet had any orders under their regimes. These regimes are similar, if not identical, to that which we would have if we passed this bill. Those efforts have been total failures, zero orders. I feel our changes here would have a similar zero effect.

People might say, and they have said to me, when it comes to health care in Africa, we must throw everything at the wall and see what sticks. I expect the government of Canada to take a more serious approach in the creation of positive health outcomes in places where our help is needed.

The testimony we heard at the Standing Senate Committee on Banking, Trade and Commerce in the fall of 2009 on this bill's identical Senate bill is instructive. The expert witnesses told us that this bill loosens the restrictions around the current CAMR, which could result in some or all of the following effects.

First, instead of one shipment of a particular drug to a particular country in a safe and secure manner, a purchaser would be granted, in effect, permission to break patents of multiple drugs and ship them to multiple locations potentially for commercial purposes.

Second, drugs that are not certified by Health Canada as being safe and effective could be shipped to unsuspecting populations, to their detriment.

Third, drugs under the new CAMR could be redirected to the black market with proceeds going to non-humanitarian causes, such as weapons.

Fourth, if drugs are shipped without the consent of the host government, which would be possible under this bill, the drugs could run against their domestic laws and traditions.

Fifth, if Bill C-393 is passed, Canada's CAMR could be out of step with our international trade obligations in the WTO. We could be sued potentially.

Finally, if current patents are threatened, the patent holders might leave Canada seeking shelter in countries that value patent protection. The loss to Canadian research and development could be significant.

It is Canada's duty to have a serious approach to assist positive health care outcomes in Africa, not high profile band-aid solutions such as this well-intentioned bill.

It is clear that the solution to the problems of drugs in Africa is multifaceted. To that end, the Canadian government has launched the Canadian HIV Vaccine Initiative. It has made

significant contributions to organizations such as the Health Partners International Canada, and in turn, the HPIC has sent millions of doses of free drugs from Canadian pharmaceutical companies to the developing world. The government has made significant financial contributions to the Global Fund, the Global Polio Eradication Initiative and the Clinton Foundation, to name a few.

The bottom line is that Bill C-393 loosens Canadian patent protection as well as the vital health, safety and verification of non-commercial purpose checks. Worst of all, it will not solve the problem of CAMR, which is mainly a marketplace problem, not a bureaucratic one.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak also on Bill C-393. Senator Carstairs has already spoken so articulately about why we need to pass this bill soon. I shed light on the difference it will make in the lives of so many Africans. To our voice has been added the voice of Senator Murray. Senator Carstairs and Senator Murray are two people who, most of us believe, are our leaders and mentors in the Senate. Senator Nancy Ruth and Senator Dallaire added their voices.

I agree with, and endorse, what my esteemed colleagues have said on this bill. Like most of you, I have been listening to the debate on Bill C-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

At the moment, many of us are preoccupied with what is happening around us. We are working on 101 other bills and issues, we are not convinced this bill is a priority or we believe it is an issue of the marketplace that will not make much difference to Africans.

I have had the Canadian Grandmothers for Africa work from my office for a number of years. I have seen their absolute commitment to this issue. I have admired their dedication. I salute them for their work on behalf of the children of Africa.

I am a child of Africa. I have drunk water from the River Nile and swam in Lake Victoria. However, Canada is now my home. For over 40 years, the people, who now are my people, have put clothes on my family's back and fed my family when we were hungry refugees. Today, Canadians have given me the amazing opportunity of being part of this great institution, the Senate of Canada.

Today, I, as a Canadian, have the opportunity to eat well and use the best health care system in the world. I have lived in one of the most peaceful countries. I truly believe that Canada is the best country in the world.

As a result of all these advantages we have, as a Canadian, I believe that we have to do more to ensure the neediest in the world are not overlooked by Canadians.

Let me share my experience. In November 2007, I had the privilege of accompanying Prime Minister Stephen Harper to my country of birth, Uganda, for the Commonwealth Conference. It

is a cherished moment in my life. Senator Stewart Olsen was also present and she and I, from time to time, have compared notes of this special trip.

As part of this trip, the Canadian High Commissioner's wife, Vanessa Hynes, was assigned to arrange my program in Uganda. She is a kind-hearted woman. On behalf of Canada, she has done amazing work to help the most unfortunate in Africa. During my time in Uganda, she took me to a hospital. We toured and then we proceeded to distribute dolls made by Canadians to the children in the pediatric ward.

As we distributed the dolls, we saw a young girl named Miriam slowly crawl towards us. She was 4 years old and had a large scar on the left side of her neck. I had to stop and speak to young Miriam. She had an enticing smile. As she reached for doll, I reached down to play with her. Her father explained to me in Kiswahili that Miriam had a large cancerous tumour and had undergone a successful surgery to remove it.

I looked puzzled and asked why they were in the outpatient unit. He explained that Miriam had malaria and he could not afford the anti-malarial tablets. He had returned to the hospital to see if he could get the tablets for his daughter.

While we were arranging to have the tablets given to Miriam, she dropped the doll and fell into a coma. She was readmitted to the hospital.

On our way back from visiting the other wards, we saw Miriam's parents sobbing. Miriam had died because they could not afford the anti-malarial tablets that cost only a few dollars to us. A child who had survived lifesaving cancer surgery died of malaria because her parents could not afford the tablets.

Passing Bill C-393 would save the lives of many Miriams.

A number of years later, I returned to the same hospital. I again headed for the pediatric ward. We saw John, a tall, handsome 13-year-old boy, brought into the hospital. He was very sick. He had a high fever. His father had walked to him to the hospital with him in his outstretched arms.

Later, I found out that John died. Why? Because John's parents could not afford the medicine he so desperately needed. Bill C-393 will save the lives of many boys just like John.

• (1900)

My assistant, Rahmat Kassam, and I were in East Africa last week. We went to a maternity ward as we have been working on finding ways to help prevent fistulae in pregnant woman. For those who are unaware, an obstetric fistula is a hole in the birth canal caused by prolonged labour without prompt medical intervention, which is usually a Caesarean section. The woman is left with chronic problems and delivers a stillborn baby in most cases.

When we arrived at the hospital, we found that fistulae were not prevalent in this particular area as women had access to a clinic. However, since we were already at the maternity ward, we decided to take a tour. During our tour, we were informed that the clinic did not have access to the medicines they needed. There were no anti-malarial tablets for the mothers who had malaria, no



antibiotics for the mothers who had fever, and no anti-viral drugs for mothers who had AIDS. They all delivered in the same small, overcrowded room that held three women to each bed.

Out of all the women in the ward, Rahmat and I could not take our eyes off Josephine. She had the most attractive face, but it was contorted with excruciating pain because the clinic had no painkillers or epidurals to give to her or any of the other woman.

Josephine was sitting in the corner all by herself. No relative was allowed to hold her hand as she battled contractions, since there was no room for relatives. We headed to her bedside to try to console her. One of the nurses, however, pointed out that another reason relatives were not allowed into the room was because they were susceptible to TB. In the event any patients or family members contracted this disease, they would have no medicine to treat them. Both Rahmat and I felt incredibly helpless.

We left hurriedly because the pain of the women around us was unbearable. We quickly returned to the hotel and started to pack to return to Ottawa. It was a very long evening. The next morning over breakfast, we were both quiet. We both decided that we should stop by the maternity ward before going home.

Upon arriving at the clinic, we ran into Josephine and her beautiful baby daughter. As soon as she saw us, she handed us her baby girl with great pride. We embraced her and we left the clinic that morning with warmth in our hearts having seen a smiling mother with her baby.

Honourable senators, today we can decide to continue the debate on Bill C-393. However, this bill has been debated before. We can wait to have the bill returned to us from committee. However, this bill has been studied in committee before.

Honourable senators, we have already studied, debated and reflected on this bill. On behalf of the Miriams, Johns and Josephines, whose lives can be saved, I stand before you and say that we, who have the power to make a difference in the lives of several African people, must take this opportunity and do so now.

Honourable senators, let us have the courage to pass Bill C-393 this week. We are here in the Senate to make a difference. Now we can truly make that difference. There are times when we, as parliamentarians, must disagree on certain issues. It is inevitable in a democracy. However, the very same ideology requires us to strive to work together whenever possible.

This bill is an example of one of those times when, regardless of which party we represent and what we think will not work, it is up to us. We are very fortunate people as Canadians. We are fortunate just because of our luck. Therefore, we have a special duty to look out for those who do not have our privileges.

Honourable senators, let us go forward with the simplest of intentions: that we, as human beings, do what we can to help fellow human beings. If it has taken me 15 minutes to deliver this speech, 30 children have died in Africa. Every 45 seconds, a child dies of malaria. Honourable senators, we truly can make a difference. The time to do so is now.

**Hon. Kelvin Kenneth Ogilvie (The Hon. the Acting Speaker):** Senator Carignan, on debate.

[Translation]

**Hon. Claude Carignan:** Honourable senators, I see that Senator Smith has had to leave and I know that he would like to speak to this bill. I therefore move the adjournment in his name.

[English]

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Acting Speaker:** Those in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Acting Speaker:** Those opposed to the motion will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Acting Speaker:** In my opinion, the "yeas" have it.

*And two honourable senators having risen:*

**The Hon. the Acting Speaker:** Call in the senators.

Do the whips have a recommendation for the bell?

**Senator Di Nino:** Let it be a one-hour bell.

**The Hon. the Acting Speaker:** I therefore wish to inform honourable senators that the vote will take place at 8:05 p.m.

Do I have permission to leave the chair?

**Hon. Senators:** Agreed.

● (2000)

Motion agreed to and debate adjourned on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk  
Angus  
Ataullahjan  
Boisvenu  
Braley  
Brazeau  
Brown  
Carignan  
Champagne  
Cochrane  
Comeau  
Demers  
Di Nino

Kochhar  
Lang  
LeBreton  
MacDonald  
Marshall  
Martin  
Meighen  
Meredith  
Mockler  
Neufeld  
Nolin  
Ogilvie  
Patterson

Duffy  
Eaton  
Finley  
Fortin-Duplessis  
Gerstein  
Greene  
Housakos  
Johnson  
Kinsella

Plett  
Raine  
Rivard  
Runciman  
Seidman  
Stewart Olsen  
Tkachuk  
Wallace  
Wallin—44

NAYS  
THE HONOURABLE SENATORS

Banks  
Callbeck  
Campbell  
Chaput  
Cordy  
Cowan  
Dawson  
Day  
De Bané  
Downe  
Dyck  
Eggleton  
Fairbairn  
Fox  
Fraser  
Hervieux-Payette  
Hubley  
Jaffer

Joyal  
Losier-Cool  
Lovelace Nicholas  
Mercer  
Merchant  
Mitchell  
Moore  
Munson  
Murray  
Pépin  
Peterson  
Ringuette  
Robichaud  
Rompkey  
Smith (*Cobourg*)  
Tardif  
Watt  
Zimmer—36

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil.

• (2010)

NATIONAL HUNTING, TRAPPING AND FISHING  
HERITAGE DAY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Champagne, P.C., for the second reading of Bill C-465, An Act respecting a National Hunting, Trapping and Fishing Heritage Day.

**Hon. Charlie Watt:** Honourable senators, I rise today to speak to Bill C-465, which aims to make September 23 a national hunting, trapping and fishing heritage day.

While I accept that there are many fine hunters, trappers and fisherman who enjoy these activities as sports here in southern Canada, we must recognize that hunting and fishing are necessary to the survival of all northern communities. By calling it “sport,” we undermine the critical role of these hunter and providers.

I do not want the issue of subsistence hunting to become lost in this dialogue today. The main point I want to make is that not everyone hunts and fishes for sport. The food crisis in the North and our economic needs have forced us to continue subsistence hunting, which remains very active today. We still cannot rely on store-bought food in the North because of the high cost and limited availability in our northern grocery stores.

I appreciate the government efforts to provide better subsidies to Northerners through a revised food mail system, but this is not enough. We still need to address poverty and food scarcity, and we need to find permanent solutions for our Arctic communities.

As a start, we could give our subsistence hunters the recognition they deserve. We should give them subsidies and programs in a fashion similar to those given to farmers and fishermen, because our hunters are harvesting the food of our region.

I ask honourable senators to keep the distinction between sport hunters and subsistence hunters clear in their minds, and I ask them to consider innovative ways to show gratitude and respect to the hunters who hunt for the survival of their people.

Honourable senators, when the European Economic Community no longer accepted sealskins, our hunters were not eligible for EI. However, as you will remember, the cod fishermen of the Maritimes received compensation when the cod stocks were depleted many years ago. Perhaps we can use similar parameters or come up with something better. At the very least, our hunters should receive better payment from hunter support programs and our hunters should get some tax breaks on hunting income and on their equipment, such as ropes, nets and other items required to do their work, including boats and snow machines.

**The Hon. the Speaker:** Is there further debate?

Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)



• (2020)

## PROTECTION OF INSIGNIA OF MILITARY ORDERS AND MILITARY DECORATIONS AND MEDALS BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Daniel Lang** moved second reading of Bill C-473, An Act to protect insignia of military orders and military decorations and medals that are of cultural significance for future generations.

He said: Honourable senators, we just received this bill from the other place. I will be receiving more information on the bill and I will be prepared to debate it at a future date. However, before I move that the debate be adjourned in my name, I understand that Honourable Senator Banks would like to speak.

**Hon. Tommy Banks:** Honourable senators, I understand that I am not the first responder nor am I the sponsor of the bill. However, I want to point out that this bill sets out a prohibition for the sale by Canadians of important military insignia and medals, and the like to foreigners, which is a good idea.

If you had in your possession a military medal, a military cross or a Victoria Cross, it ought first to be offered for sale to Canadians. The bill provides that before one can export or attempt to export an insignia of cultural significance, one must have received a refusal of the offer from the Canadian Museum of Civilization, the War Museum, the Department of Canadian Heritage or the Canadian Forces, or not receive acceptance of the offer within 120 days. That is good.

Honourable senators, it then says in the amendment to the Cultural Property Export and Import Act:

The Review Board Shall, on request of the Minister, determine the amount of a fair cash offer to purchase in respect of an insignia . . .

Honourable senators, the problem is that there is no arbitration. When this is bill is discussed, I hope that this amendment will be considered.

If I have a Victoria Cross that I will not export to my wife, or to my father, or to my mother, or to a close relative, which action is exempted in the bill, I can say, for example, that I want to sell this to a museum in Philadelphia and that I want \$100,000 for it. The bill does not say that I cannot do that. The export board will say that a fair price is \$5,000. However, I asked for \$100,000. There is no arbitration. The fact that the museum refuses my offer of sale for the medal for \$100,000 means that I can now export the medal to Venezuela or any other country. If the intent of the bill is to be met, then there must be some kind of arbitration; otherwise, the person who wishes to export a medal or an insignia, which would otherwise not be allowed, can simply name an unrealistic price that would never be met and I think that thereby escapes the intent of the bill. I just wanted to point that out to whoever will be considering it.

(On motion of Senator Lang, debate adjourned.)

## STUDY ON COSTS AND BENEFITS OF ONE-CENT COIN

### EIGHTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gerstein, seconded by the Honourable Senator Eaton, for the adoption of the eighth report of the Standing Senate Committee on National Finance, entitled: *The Costs and Benefits of Canada's One-Cent Coin to Canadian Tax Payers and the Overall Economy*, tabled in the Senate on December 14, 2010.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted.)

## STUDY ON CANADIAN SAVINGS VEHICLES

### FOURTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the consideration of the fourth report of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Canadians Saving for their Future: A Secure Retirement*, tabled in the Senate on October 19, 2010.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Question!

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted.)

## CANADIAN FORCES MEMBERS AND VETERANS RE-ESTABLISHMENT AND COMPENSATION ACT PENSION ACT

### BILL TO AMEND—EIGHTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Pamela Wallin**, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Wednesday, March 23, 2011

The Standing Senate Committee on National Security and Defence has the honour to present its

#### EIGHTH REPORT

Your committee, to which was referred Bill C-55, An Act to amend the Canadian Forces Members and Veterans Re-establishment and Compensation Act and the Pension Act, has, in obedience to the order of reference of Monday, March 21, 2011, examined the said bill and now reports the same without amendment.

Respectfully submitted,

PAMELA WALLIN  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Wallin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

#### STUDY ON GOVERNMENT'S ROLE IN SUPPORTING THE PROMOTION AND PROTECTION OF WOMEN'S RIGHTS IN AFGHANISTAN

SEVENTH REPORT OF HUMAN RIGHTS  
COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Human Rights, entitled: *Training in Afghanistan: Include Women*, tabled in the Senate on December 15, 2010.

**Hon. A. Raynell Andreychuk:** Honourable senators, this item has been standing in the name of the Honourable Senator Nancy Ruth. It is a report from the Human Rights Committee and I do not wish it to be terminated today. I would ask that the matter be adjourned in my name for further debate. I do not believe that Senator Nancy Ruth or anyone else will object.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Andreychuk, debate adjourned.)

#### GOVERNMENT PROMISES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the litany of broken promises by the Harper administration, beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

**Hon. Tommy Banks:** Honourable senators, Senator Cowan has called our attention to a long list of promises broken by the government. One of the cogently related matters having to do with broken promises is the question whether the Harper government — that is now the preferred nomenclature, I am told — is in contempt of Parliament. That is a question fraught with arcane considerations of constitutionality, procedure, convention, practice and the law. The determination of that question by most Canadians, or certainly by me, would therefore be out of order. It would be beyond my ken. That question is one that is being determined just down to the hall.

• (2030)

As to the common, everyday, common-sense question of whether the Harper government has contempt for Parliament, the answer to the Canadian on the way home on the five o'clock bus would be resoundingly in the affirmative. Any sentient person with even the most perfunctory knowledge of the events of the last few months knows that. The evidence is incontrovertible. The government's pronouncements, the government's actions, and, more important, the government's attitude all provide it.

That is the common-sense question, not about being in contempt of Parliament but of clearly having contempt for Parliament, and contempt, while they are at it, for the promises they have made to Canadians.

Many of those promises were about openness, transparency, and the magic word, "accountability." Now comes the Federal Accountability Act that will take our nation upward and onward to new green meadows of openness, transparency and accountability — except that it did not. It promised honesty, but it removed the requirement to act honestly from the code that applies to cabinet ministers.

It promised an appointments commissioner, but the government did not like the openness and transparency of the vetting process, so the government took its ball and went home. We keep having million dollar budgets for the office of the appointments commissioner, but no commissioner.

It promised an Integrity Commissioner. As the lyric from *My Fair Lady* goes, we "were serenely independent and content before" Quimet.

What we got there was not our money's worth.

The government promised us a Parliamentary Budget Officer. On March 14, 2008 — better late than never, we thought at the time — the Honourable Peter Van Loan, who was the Leader of the Government in the House of Commons and the Minister for Democratic Reform, announced the appointment of Kevin Page as Canada's first Parliamentary Budget Officer. The government news release said:

"The appointment fulfills another commitment made to Canadians during the last election. As promised by the Federal Accountability Act, the Parliamentary Budget Officer will provide independent analysis to Canadians on the state of the nation's finances," said Minister Van Loan. "With his expertise in economics, Mr. Page is a fine choice to fill this position."



The government goes on to say:

The Parliamentary Budget Officer is an independent officer of the Library of Parliament who reports to the Speakers of both chambers.

The Library of Parliament reports to the Speakers of both chambers.

The position was created through amendments to the Parliament of Canada Act contained in the Federal Accountability Act.

Here endeth the quote, except that it turns out he is not quite independent.

The provisions of the Parliament of Canada Act — this is not merely government policy, this is an act of Parliament — say in section 79.2:

The mandate of the Parliamentary Budget Officer is to

(a) provide independent analysis to the Senate and to the House of Commons about the state of the nation's finances, the estimates of the government and trends in the national economy;

(b) when requested to do so by any of the following committees, undertake research for that committee into the nation's finances and economy:

(i) the Standing Committee on National Finance of the Senate or, in the event that there is not a Standing Committee on National Finance, the appropriate committee of the Senate,

(ii) the Standing Committee on Finance of the House of Commons or, in the event that there is not a Standing Committee on Finance, the appropriate committee of the House of Commons, or

(iii) the Standing Committee on Public Accounts of the House of Commons or, in the event that there is not a Standing Committee on Public Accounts, the appropriate committee of the House of Commons;

(c) when requested to do so by a committee of the Senate or of the House of Commons, or a committee of both Houses, that is mandated to consider the estimates of the government, undertake research for that committee into those estimates; and

(d) when requested to do so by a member of either House or by a committee of the Senate or of the House of Commons, or a committee of both Houses, estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction.

The Parliamentary Budget Officer is required, when requested by a member of the Senate or the House of Commons, to estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction.

Subsection 79.3(1) says:

... the Parliamentary Budget Officer is entitled, by request made to the deputy head of a department within the meaning of any of paragraphs (a), (a.1) and (d) of the definition "department" in section 2 of the Financial Administration Act, or to any other person designated by that deputy head for the purpose of this section, to free and timely access to any financial or economic data in the possession of the department that are required for the performance of his or her mandate.

That provision is clear, until we get down to the small print at the end, where the truth is. It is the old small-print trick, sort of like insurance policies. It is called "exceptions;" yes, exceptions.

The act provides, as it turns out, that the Parliamentary Budget Officer can have free and timely access to any information he or she wants, excepting, among other things, data "that are contained in a confidence of the Queen's Privy Council for Canada."

In other words, the government and its departments must disclose in a free and timely manner any information the Parliamentary Budget Officer asks for, unless they decide they do not want to.

What kind of transparency is that? How can the Parliamentary Budget Officer discharge her or his mandate, the responsibility of the office to "estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction," if the government refuses to provide the relevant information?

Does Parliament not have jurisdiction over any proposal? Are there proposals over which Parliament does not have jurisdiction? I ask for instruction on that question.

If this were not so sad, it would be funny. It would be almost Kafkaesque, the circular nature of this legislation.

When the Prime Minister promised a Parliamentary Budget Officer, and when Minister Van Loan announced it a couple of years later, that it was actually happening, there was widespread approval. There was congratulation from all sides, because this officer was a genuinely good idea. It was needed. It was timely, and it was approved all around. Most important, it was approved by Parliament.

However, the small print near the end is what we approved, too, so it may well be that the government has not contravened the Parliament of Canada Act.

What the government has contravened is trust, trust that it says what it means and means what it says: trust in respect of its promises; trust and the hope that its touted openness, accountability and transparency promises meant something. Instead, what we have now is a new and even more impenetrable stonewalling. We have information management that is approaching Machiavellian. We have bills before Parliament with short titles that are advertising billboards. We have the government breaking its own laws, and flouting its own solemn undertakings.

We even have what Mr. Churchill, avoiding the use of unparliamentary language, referred to as “terminological inexactitudes.” We have the diametric opposite of ministerial responsibility. We have a Parliamentary Budget Officer who is underfunded, who is denied access to cogent information, and to whom the government’s attitude is, to put it mildly, antipathetic.

That Canadian going home on the five o’clock bus is wondering where this has all gone wrong, how it is possible that a government that has been in power only for five years could have turned itself inside out on so many of its promises, and how Parliament could possibly — how we could possibly — have allowed this situation to happen.

That long and sad list of broken promises to which Senator Cowan has referred, and which he has enumerated, seems to grow by the day.

The current government — the Harper government, as it likes to be called — carries the name of the great political party that led the founding of this country. The resemblance is growing dimmer and dimmer by the day.

(On motion of Senator Comeau, debate adjourned.)

• (2040)

[Translation]

## THE SENATE

### MOTION TO CONDEMN ATTACKS ON WORSHIPPERS IN MOSQUES IN PAKISTAN AND TO URGE EQUAL RIGHTS FOR MINORITY COMMUNITIES— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Greene,

That the Senate condemns last Friday’s barbaric attacks on worshippers at two Ahmadiyya Mosques in Lahore, Pakistan;

That it expresses its condolences to the families of those injured and killed; and

That it urges the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, in the motion moved by Senator Finley, you will note that the English version states:

That the Senate condemns last Friday’s barbaric attacks . . .

The French text states:

Que le Sénat condamne les attaques barbares de vendredi dernier . . .

## MOTION IN AMENDMENT

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, in view of the fact that the motion was moved a few weeks ago, I move an amendment that would be slightly different in English and in French and that would state:

That the motion be amended and that the words “last Friday’s” be omitted from the English motion.

The French motion states:

Que le Sénat condamne les attaques barbares de vendredi dernier . . .

The proposed amendment to the French motion would be:

Que le Sénat condamne les attaques barbares sur les fidèles . . .

I believe that the motion would be much clearer given today’s date. I move this amendment to the motion.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Hon. Senators:** Agreed.

(Motion in amendment agreed to.)

[English]

**The Hon. the Speaker:** Is there debate on the main motion?

**Senator Comeau:** Question.

**The Hon. the Speaker:** Honourable senators, for the clarity of the house, the main motion that has been amended was moved by the Honourable Senator Finley and seconded by the Honourable Senator Greene.

Are honourable senators ready for the question on the main motion?



**Hon. Tommy Banks:** Honourable senators, I would like to move the adjournment of the debate.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Banks, debate adjourned.)

[Translation]

## SENATE ONLINE

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the online presence and website of the Senate.

**Hon. Maria Chaput:** Honourable senators, I rise today in support of the Honourable Senator Mitchell's inquiry to highlight the importance of ensuring that the Senate has a strong presence online. Internet, this virtual world, is without a doubt the city of the future, and the Senate must take its full place.

The World Wide Web is the place to quickly, and often freely, access an incredible wealth of information. Young Canadians automatically turn to the Web to find information, whether it is to find the showtimes for movies playing at the cinema, find out about the ice conditions of the Rideau Canal here in Ottawa, buy a birthday gift for a friend, learn about the customs of faraway countries, access documents posted by a professor, or find out about the work of the Parliament of Canada.

No matter what type of information they are looking for, young Canadians turn to the Web first. I might add that Canada's two official languages are among the three main languages of the Web — a wonderful advantage for Canada.

[English]

Several months ago in this chamber, Senator Mitchell said:

... we cannot, in any way, shape or form, search the *Debates of the Senate* [online]. . . . In the 21st century, in the Senate of the Government of Canada, we cannot find someone's name in *Debates of the Senate*.

I agree that access to the *Debates of the Senate* on the Web, this great information highway, is difficult and limited. Anyone who wants to read the *Debates of the Senate* online to find out about a particular subject faces a massive uphill battle.

Although the *Debates of the Senate* are available online from the second session of the 35th Parliament onward, it is extremely difficult to find what one is looking for. Since there is no internal search engine to make the job easier, one must comb through each day of the Debates, a painstaking task.

The *Debates of the Senate* found in libraries have an index. Why not the Debates online?

[Translation]

The debates, journals and evidence of parliamentary committees in the other place are organized so as to facilitate, indeed encourage, online research. Why not adopt that model?

An internal search engine, on the website of the other place, allows people to search by keyword or browse the index by subject, person, document, constituency or organization.

Young people doing school work can quickly find the information they need by searching the website of the other place, which encourages them to come back again and explore the parliamentary debates even further. Why can the Senate not do the same? This would contribute to promoting the work of the Senate.

To reach out directly to Canadians, particularly young Canadians, the Senate should have a strong presence on the Web and show off the great work accomplished by the honourable senators and committees of this chamber. Online access to the *Debates of the Senate* must be made easier to allow Canadians to be better informed and, as a result, to better understand their Senate.

The Senate's presence on the Web should reflect what it is in reality: a vital and dynamic institution. Would it therefore not be useful to post on the Senate website all the Debates, to allow the public to one day access, online, the entire work of the Senate of Canada since 1867?

Of course, this is a great undertaking, but a necessary undertaking to make the Senate more visible and more accessible. I respectfully submit that we must take the initiative to ensure the Senate has a strong presence on the Web, a presence that reflects this great institution and the vital role it plays.

[English]

**Hon. Jim Munson:** Would the honourable senator accept a question?

**Senator Chaput:** Yes.

**Senator Munson:** Thank you. Senator Neufeld and I were in Wales last week. Guess what we saw. Television. Guess what we also saw in the National Assembly. We saw 60 people. During the Question Period, there were 60 computers with rubber keys. We also saw the Internet, saw them using Twitter and doing all kinds of things, connecting with their public. It was a fascinating thing to watch. It was open and transparent. The people of Wales watch the elected and/or appointed people in their assembly.

It was fascinating. There is television there and TV cameras. People see their appointed and/or elected representatives. Imagine that!

Therefore, I want to ask Senator Chaput, now that it is 2011 and we are almost at April, does she think that, with this new thing called the "Web" and all these other new things, perhaps the Senate of Canada, this wonderful institution, should come into the new age and actually allow Canadians to see what we are doing? They witness what we are doing in committees and they appreciate that. It gives us great credibility.

There is this new thing called the “Web” and this other new thing called “television.” Does the honourable senator think these should also be among the new things we should have in this august assembly?

• (2050)

[Translation]

**Senator Chaput:** Thank you for your question. Unfortunately, you may not get the response that you would like. I have very mixed feelings about televising the Senate Debates. I do not know whether it would be a good thing for us. I worry that it would turn into a circus and would greatly damage the Senate’s reputation.

I have mixed feelings on this subject and I am currently unable to say that I would support a televised Senate. I apologize.

[English]

**Senator Munson:** I appreciate what the honourable senator said. However, senators go across the country into their home towns, they go into their villages or cities, they turn on television and what do they see? They see city halls, town halls and village halls where people are talking, and I do not think they are talking to the cameras. They have a responsibility to represent the people who elected them, and it is so transparent and so open.

I will not ask the honourable senator another question. I know what she has said about this subject. I do not know about playing to the cameras and playing to radio, but if we are to engage this new thing called the “website,” from my perspective Canadians can watch what we do. That is important. Canadians sometimes have doubts about what we do, but if they can watch and listen to what we do perhaps there will not be as many questions as to what we do.

[Translation]

**Senator Chaput:** There is no doubt that, when one of our committee meetings is broadcast on CPAC, the public becomes aware of the Senate’s work. With regard to televising the Senate sessions, I am always open to debate. I am certainly prepared to listen to the pros and cons but, for now, I cannot say that I would support such a measure.

(On motion of Senator Jaffer, debate adjourned.)

[English]

## THE SENATE

### MOTION TO CALL UPON CHINESE GOVERNMENT TO RELEASE LIU XIAOBO FROM PRISON— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stewart Olsen:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

**Hon. Tommy Banks:** Honourable senators, I will speak briefly on the motion of Senator Di Nino, seconded by Senator Stewart Olsen, which stands in the name of Senator Day. After I speak, I hope it will be adjourned again in Senator Day’s name. I asked for his permission to speak to the matter today.

I have a reservation that I think Senator Day might share about this motion. It applies also to the adjournment I took on a previous motion. It resides in the fact that I am not sure — and perhaps I could be instructed in debate later — whether it is appropriate for the Senate per se, which is what this is, to call upon a foreign government to do something.

I understand it is appropriate for us to ask the Government of Canada to call upon a foreign government to do something. I would advise Senator Di Nino that I would be perfectly comfortable with this motion if it said that the Senate of Canada call upon the Government of Canada to ask that the Chinese government release from prison, et cetera.

As a general rule, I believe matters of that kind between nations are handled by the governments of the nations, not by the legislatures of the nations. The same thing obtained to a part of the previous motion we were talking about, which had to do with Pakistan, urging the government of Pakistan to do something. I am not comfortable with the idea that the Senate or the House of Commons should take it upon itself to urge the government of wherever else to do something without asking us about it. Matters of international relationships, treaties and the like, and those kinds of things are ordinarily handled government to government.

If we were engaged in a trade discussion, for example, with the Government of China, and those negotiations were going well, and all of a sudden along came a note from someone — I do not know how we would get it there — that said the Senate of Canada condemns someone for something, or urges that government to do something, I am not sure that would not have an effect upon the friendly nature that might have obtained to that point in respect of that negotiation.

I have a feeling it is inappropriate for one or the other of our legislatures to call upon, to urge or condemn a foreign government somewhere in any respect. I would prefer we did that through our government, which is a function of Parliament and not the other way around. That is my reservation on this motion and on the previous one about Pakistan.

**Hon. Consiglio Di Nino:** Will my friend take a question?

**Senator Banks:** I would be delighted.

**Senator Di Nino:** First, I do not think I need to tell anyone here that we are a constituted, independent body of Parliament and we have the right to do things of this nature. We have done it before. The question to the honourable senator, which may not sound like a sincere question, is: If he has been able to review the debates that have taken place in the Senate on this issue, I hope he has noticed that I have pointed out that we have had this issue raised before and a Speaker has ruled that we do have the right to do this. Has the honourable senator had a chance to take a look at that ruling?



**Senator Banks:** I did not look but I recall Senator Di Nino having made that point in debate before when I was here. Notwithstanding that we might have the right to do it — I do not think anyone said we do not have the right; we have the right to do almost anything — I am not questioning the right. I am questioning the appropriateness and the wisdom of doing it, as opposed to asking the government do it for the reasons I said before, and the senator has heard before, which is that relations between governments ought to be relations between governments and not between the legislatures that are only one constituent part of those governments.

**Senator Di Nino:** Does the same thing apply if we are talking about another jurisdiction; if we are talking about the United Nations, if we are talking about the North Atlantic Treaty Organization, if we are talking about another province, if we are talking about some institution of an international nature? Does Senator Banks believe that should also be a rule in dealing as a legislative body constituted under the laws of our country, that we do not have the right to deal with anything that is not within the confines of Canada; is the honourable senator suggesting that?

**Senator Banks:** No, nor did I say that. Again, I am not saying we do not have the right to do this. I am questioning the appropriateness of entering an area that I think — and it is only my opinion: I have not discussed this with anyone else — ought properly to be dealt with from government to government as opposed to legislature to government. I have no doubt that we have the right to do it. It is merely an opinion that I think it is not appropriate or wise to do it. It would be more appropriate and wise if this legislature were to ask and urge that the Government of Canada undertake to send this message.

• (2100)

**The Hon. the Speaker:** The matter stands adjourned in the name of Senator Day. Is it agreed?

**Hon. Senators:** Agreed.

(On motion of Senator Banks, for Senator Day, debate adjourned.)

## WOMEN IN PRISONS IN CANADA

### INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to issues related to women in prisons in Canada.

**Hon. Elizabeth Hubley:** Honourable senators, I have often thought that you can tell a lot about a country by how it treats its prisoners, but when I look at the plight of Canadian female inmates in our prison system, I do not recognize the Canada I thought I knew. We are failing women and families, and that is a terrible crime.

According to the most recent report from the Office of the Correctional Investigator, conditions in women's prisons have deteriorated over the last 20 years. This is especially alarming considering that in 1990, the report entitled *Creating Choices* by the federal Task Force on Federally Sentenced Women, found

that programs and policies designed for women in prison were "inadequate and dehumanizing," and that deep changes to the system were required.

Honourable senators, female offenders have complex issues and unique needs that can only be addressed through proper treatment and care. Nevertheless, we have yet to commit the resources required to properly implement these essential programs. If we want to break the cycle of abuse, poverty and illness that trap women in lives of crime, then we cannot wait another 20 years. We must act now.

We know that the profile of an average female in prison differs substantially from her male counterpart. She is, first, likely to be Aboriginal. She is also likely to be addicted to drugs, to be in jail for a drug related conviction, to suffer from a mental illness, to have a history of abuse and to be a mother.

Honourable senators, allow me to elaborate. The number of Aboriginal women in federal prisons has shot up by a startling 90 per cent over the past 10 years. This is compared with 17 per cent for men over the same period. We are now at the point where one in three female inmates is Aboriginal. This is a disturbing statistic, and clearly more work must be done to understand and halt this trend. Furthermore, the average female prisoner is more than twice as likely as the male prisoner to suffer from substance abuse problems and to be in jail on a drug related conviction. With mandatory minimum sentencing provisions for drug crimes on the horizon, it follows that these numbers will only continue to rise.

In addition to substance abuse issues, anywhere from 30 per cent to 45 per cent of female prisoners have mental health problems. This is more than twice the rate of male prisoners. These women suffer from everything from major depression to schizophrenia. They are likely to engage in self-harming behaviour, seven times more likely than the Canadian average to commit suicide and, without treatment and proper accommodation can become violent.

Related to these mental health problems is the overwhelming high incidence of childhood sexual abuse among female prisoners, at a rate that has been estimated to approach 90 per cent. This is significant. Finally, the majority of female offenders are also mothers, and these mothers are mostly single parents with children under five years old.

Honourable senators, these statistics paint a portrait of a woman who needs help. The majority of women in federal prisons are sentenced to between two and three years in jail. These years are a critical time. If managed correctly, they can be an opportunity for women to receive the help they need and to emerge from jail better equipped to take care of their families and live crime free and healthy lives. From what we know about the percentages of female inmates suffering from mental illness and substance abuse, treatment programs in federal prisons are a necessity. We need to deal with these underlying issues in order to help women get their lives back on track.

*Moving Forward with Women's Corrections*, an expert committee's 10-year status report that was released in 2006 by the Commissioner of Correctional Service Canada, noted:

Women experiencing mental health issues are the most vulnerable of the imprisoned population and demonstrate the highest need upon their return to the community.

Fortunately, some programs to treat mental health and substance abuse issues have been recently introduced into federal prisons. However, the report acknowledges that funding is an ongoing problem and that Correctional Service Canada is left to its own devices to fund these programs when and where it can.

It is not surprising, then, that these programs are not offered uniformly across the country, and that women often have to choose between accessing needed treatment programs and remaining close to home. Further, these programs often have lengthy waiting lists. Since the vast majority of women spend less than three years in federal prison, this means that many will spend their entire sentence waiting for an appropriate program. These women will then be released from prison without ever receiving treatment. This is unacceptable.

Honourable senators, funding for programs to treat women with mental health and substance abuse problems should not be seen as an optional extra to be dealt with by the Correctional Service of Canada on an ad hoc basis, but as a fundamental and essential aspect of the women's prison system.

We must do better to address the mental health and substance abuse challenges facing our female offenders if we hope to eliminate recidivism and end the cycle of crime, abuse and poverty that plague generations of women and their families.

The majority of women in our federal prisons are mothers to children under five years of age. How we choose to treat these women will therefore have an impact on their children and their communities too. Studies show that, in disadvantaged neighbourhoods, women are often the glue that keeps the community functioning. In other words, when a woman goes to prison, the loss to her family and her community is huge.

Programs aimed at maintaining and rehabilitating mother-child relationships are crucial. Nevertheless, the Mother-Child Program was vastly curtailed in 2008, with the introduction of more stringent eligibility requirements. We are now at a point where there are only two women in the program. This is a lost opportunity to help mothers and their children.

Honourable senators, we know that children with mothers in jail are at high risk for suffering from low self-image, high anxiety, underachievement, depressive tendencies and difficulties in building relationships. In other words, they are vulnerable to repeating the same mistakes as their mothers.

The good news is that early intervention can make a difference. Studies show time and again that establishing a strong mother-child bond right from the beginning can have a positive impact on mothers and children.

Mothers in prison often report that their children have a calming and motivating influence on them. These women respond better to treatment and work harder to improve their lives. For children, too, being with their mothers means that they are kept out of the child welfare system, and with someone with whom they have a better chance of establishing a deep and lasting bond.

Honourable senators, I commend Senator Mitchell for initiating this important inquiry and echo his deep concern for our female inmates. If we want to reduce recidivism rates among female offenders and build healthy communities, then we must change the way we treat our Canadian women inmates.

It is outrageous that while the government is planning to spend hundreds of millions of dollars on hiring 3,000 new correctional officers, parole officers and administrators for our prisons, it is planning to hire only 25 nurses and 10 psychologists.

We realized 20 years ago that women in our prisons were a neglected and marginalized group who needed better treatment and access to appropriate programs. Today, these women are still waiting for the help they need to break the cycle of abuse, poverty and illness that trap them in lives of crime.

• (2110)

The evidence is clear: The majority of our female offenders do not need minimum sentencing, stricter parole requirements and harsher prison conditions. They need treatment, training and opportunities so that they and their families can lead crime-free and healthy lives. Throwing away the key is not the answer. We need public policy options that break the cycle, not perpetuate it.

**The Hon. the Acting Speaker:** If no other honourable senator wishes to speak to this matter, it will be considered debated.

**Senator Banks:** I move the adjournment of the debate.

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Banks, debate adjourned.)

## THE SENATE

MOTION TO RECOGNIZE DECEMBER 10  
OF EACH YEAR AS HUMAN RIGHTS DAY—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Mercer:

That the Senate of Canada recognize the 10th of December of each year as Human Rights Day as has been established by the United Nations General Assembly on the 4th of December, 1950.



**Hon. A. Raynell Andreychuk:** Honourable senators, I note that this matter stands at day 14. I want to ensure it does not fall off the Order Paper. I do intend to speak to it. In light of the hour, I ask for the adjournment for the remainder of my time.

(On motion of Senator Andreychuk, debate adjourned.)

## ABORIGINAL AFFAIRS

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Brazeau calling the attention of the Senate to the issue of accountability, transparency and responsibility in Canada's Aboriginal Affairs.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I know we are at day 14 on this, but unlike Senator Andreychuk, I have no intention whatsoever to speak to this motion. Therefore, I would like to adjourn it in Senator Finley's name.

(On motion of Senator Comeau, for Senator Finley, debate adjourned.)

## NATIONAL LANGUAGE STRATEGY

### INQUIRY—DEBATE ADJOURNED

**Hon. Mobina S.B. Jaffer** rose pursuant to notice of February 1, 2011:

That she will call the attention of the Senate to the importance of developing a national language strategy.

She said: Honourable senators, I rise before you today to speak to my inquiry and call the attention of the Senate to the importance of developing a national language strategy.

The national language strategy I am proposing would set out the federal government's commitment to embracing linguistic plurality by adopting a vision that confirms that language education is a tool that will not only assist in the development of personal skill, but will also act as an engine for economic growth. In addition, this strategy would recognize that international and heritage language education has the capacity to open up avenues of communication and career enhancement, while at the same time encourage and promote broader cultural understanding among Canadians.

[Translation]

Before I continue, I want to clarify that I am in no way trying to suggest that heritage languages should be taught instead of French. Even though throughout this inquiry we will be focusing on the importance of teaching international and heritage languages, I want to point out that I have always been a strong advocate of teaching both official languages as part of basic education for children across Canada.

However, children must have the opportunity to learn languages other than French and English in addition to their existing basic education.

Although various provinces support teaching heritage and international languages, there has been no uniform effort to develop a consistent policy framework to promote languages other than English and French. It is truly unfortunate that the benefits of promoting a multilingual society, many of which will be discussed during this inquiry, are being abandoned.

[English]

Honourable senators, Canada is indeed a multilingual society. According to the 2006 census, more than five million Canadians have a mother tongue other than French or English. Now, more than ever, there is a need to foster not only linguistic plurality, but also intercultural understanding, as this would reconfirm Canada's commitment to being a peaceful, accepting and multicultural nation. In addition, this would also be consistent with Canada's identity, which is comprised of a mosaic of languages and cultures that perceives difference as a strength rather than a weakness.

Before touching upon some of the many benefits associated with developing a national language strategy, it is important that I acknowledge the fact that the importance of preserving international and heritage languages has already been recognized in this chamber once before.

Bill C-37, introduced in the House of Commons in September 1989 and adopted by Parliament in January 1991, was a piece of legislation that called for the establishment of a heritage language institute with a purpose of developing national standards for teacher training and curriculum content for ethnic minority language classes in Canada.

The February 1992 budget, however, deferred the establishment of this institute until further notice. Since this act did not come into force for 20 years, it has consequently and recently been repealed.

However, much has evolved since the introduction of Bill C-37. Over the past 20 years, the Canadian Languages Association has formed, taking on many of the same principles as the institute Bill C-37 called for. In addition, many other research-oriented bodies have been established, including the Second Language Research Institute of Canada, which is housed at the University of New Brunswick; the Ontario Institute for Studies in Education, based at the University of Toronto; the Institute for Innovation in Second Language Education in Edmonton; and the Language Research Centre at the University of Calgary.

Ultimately, today's context suggests that calling for a strategy that revisits some of the basic principles advanced in Bill C-37 but that are far less imposing and much less costly will indeed benefit all Canadians socially, culturally and economically.

First and foremost, honourable senators, I would like to draw your attention to the economic advantages that adopting a national language strategy would yield. I earnestly believe that these advantages would be abundant and give Canada the edge it is so desperately seeking.

On November 9, 2010, Prime Minister Harper announced the launch of economic consultations to seek Canadians' views on the next phase of *Canada's Economic Action Plan*. He stated:

Turning our fragile economic recovery into enduring and robust performance over the longer term will also mean taking further steps to hone our competitive edge. This means building on our efforts to attract foreign investment, opening up new markets and opportunities for Canadian businesses and laying the foundation for long-term sustainable jobs.

I would like to commend Prime Minister Harper for acknowledging the need for Canada to attract foreign investment and to open up new markets. I, too, recognize this need and agree that the business community must identify markets of growth in countries other than those in North America.

On the international stage upon which Canada must now perform and excel, languages education is essential to relationships with the global community and in the areas of international relations and cooperation, as well as international trade and development.

When I recently was in China with the Foreign Affairs Committee, I was pleasantly surprised at how fluent in Mandarin Ambassador Mulroney and his staff were. I could see that their ability to speak Mandarin so fluently gave Canada a great advantage in Beijing.

I believe the challenge we all have to face now is that we have to be able to provide Canadian businesses the competitive edge they need in order to secure and maintain their position in the international market.

The President of the Canadian Council for the Americas reports that the reason so many companies fail to secure and maintain their position in the international market is due to their failure to recruit people who have sufficient language skills. We need to ask ourselves whether or not we will be able to negotiate and secure future contracts for our forever hungry Canadian business community, which is always seeking new avenues for expansion, with a scarce supply of multilingual university graduates we are presently producing.

• (2120)

Honourable senators, we are a trading nation. We need to prepare our children to speak many languages. It is important that we remain mindful of the fact that these very businesses allow us to maintain not only our high standard of living but also our leadership position in the world. This is precisely why we must invest in language education, because such an investment would not only help us achieve our economic goals but also assist Canada in establishing a lead on the global stage on which it must now compete.

Aside from the countless economic benefits associated with adopting a national languages strategy, there are also a number of social and cultural benefits that would be generated. In fact, one of the most tangible outcomes of language education is social and cultural cohesion, which promotes anti-racism initiatives, peace building, civic participation and cross-cultural understanding.

Unfortunately, for the most part, children of recent immigrants whose maternal languages are neither English nor French have not received, except in relatively small numbers and for short periods, mother tongue language education support through the school system. Moreover, various academic research indicates that the heritage languages model of voluntary additional instruction for short periods of the school day falls far short of what would be required to maintain immigrant languages and cultures beyond the second and third generations.

Having immigrated to this country, I have seen firsthand that this is, indeed, the case. My grandparents, originally of Indian descent, migrated to Uganda over a century ago. Our mother tongue survived for two generations in Africa. Unfortunately, after spending a few decades in Canada, I am forced to watch a language that has been spoken by my ancestors for centuries disappear, as my children are not able to speak Katchi fluently. This is a cause for concern. We need to realize that teaching and fostering language skills reinforces Canada's multicultural identity and strengthens Canada's unique sense of belonging. English, French, Aboriginal languages, and international/heritage languages are key and equal members of Canada's multilingual mosaic inseparable from our concept of multiculturalism. The teaching of languages reinforces our Canadian multicultural identity and strengthens our country's sense of belonging.

Currently, various provinces support the teaching of heritage and international languages, but there has not been a uniform effort to articulate a coherent policy framework for the promotion of languages in addition to English and French. After working closely with the Canadian Language Association, we have developed a vision that perceives a national languages strategy as imperative against a background of profound national and international change. We recognize that a multilingual vision for Canada means respecting the valuable voices that populate this country, the very voices that work together to build this nation and to breathe life into the mosaic of which we are so proud.

Honourable senators, while I not only recognize but also actively support Canada's Official Languages Act, I also acknowledge the importance of formally recognizing and supporting linguistic plurality. As Dyane McAdam, former Commissioner of Official Languages stated,

We're seeing a nation that is embracing official bilingualism and multilingualism... We will continue to embrace diversity.

With that in mind, this proposed strategy must address the four language components that make us truly Canadian: English, French, Aboriginal languages and international/heritage languages. The strategy's objective should, first, promote and improve the teaching and learning of languages by encouraging provinces to draw upon the experiences of other educational systems around the world where multilingual education is provided in a core schooling system.

Second, this strategy should increase the number of people studying languages through the development and implementation of a strong and coherent national public education and awareness campaign, creating a partnership between education, business and government.



Third, this strategy should work with the provinces to provide effective and equitable funding for language programming at the school board and community levels. This could include increasing the number and types of languages offered at primary and secondary schools, supporting after-school programs, encouraging school boards to designate key schools as language learning centres and explore bilingual programs, where feasible.

Finally, the proposed national languages strategy should raise an awareness of the importance of multilingualism to all Canadians for individual and collective well-being.

Honourable senators, it is time for Canada to commit to a tangible plan of action to deal with the realities of the global economy of the 21st century. This proposed national languages strategy would set out the federal government's commitment to increasing Canada's languages capability. It would also promote a vision that perceives languages as both a life skill and an engine of economic growth — one that can be used in business and for personal growth to open up avenues of communication and career enhancement and to promote, encourage and instil a broader cultural understanding.

[Translation]

Canada's national language strategy would set out the federal government's commitment to increasing Canada's capacity for languages by adopting a vision that confirms that language can not only be a personal skill, but it can also act as an engine for economic growth, to be used in business and personal development, in order to open up avenues of communication and career enhancement while at the same time promoting, encouraging and eliciting better cultural understanding.

[English]

A commitment to a national languages strategy will pave the way for both the federal and provincial governments to consider ways to harness our intercultural communication experience and multilingual resources for Canada's economic benefit as well as for the good of individuals, families and communities. This will involve collaboration with different levels of government, educational institutions, ethnic communities, families and business.

Honourable senators, we must recognize that the future of our great nation lies in the hands of our children. We must ensure that children have access to the tools they need today so they can flourish tomorrow. A national languages strategy will provide Canada with a blueprint for action and help ensure that our children have a competitive edge when performing and succeeding on a global stage.

**Hon. Tommy Banks:** Will the honourable senator accept a question?

**Senator Jaffer:** Yes.

**Senator Banks:** The honourable senator mentioned Bill C-37, as passed by the government of Mr. Mulroney, and said that it had been repealed. Is that in fact correct or is it in the process of being repealed? I ask the question because that act of Parliament is the one that gave rise to —

**Senator Jaffer:** May I have five more minutes?

**The Hon. the Acting Speaker:** Is it agreed, five additional minutes?

**Senator Comeau:** Yes, five minutes.

**The Hon. the Acting Speaker:** It is agreed.

**Senator Banks:** It was that bill that gave rise to what is now an act of Parliament called the Statutes Repeal Act, of which I will modestly say that I am the author.

The first thing that happened under that act, after it came into actual force, is that a few weeks ago, as Senator Comeau pointed out to us, a list was deposited and tabled here by Senator Comeau of acts of Parliament and parts of acts of Parliament which had been accumulated by the Minister of Justice and that are susceptible of being repealed next December 31, absent some other action. Are we talking about the same thing or has it otherwise been repealed before this?

**Senator Jaffer:** We are talking about the same thing. I remember the honourable senator introducing the bill and going through all the stages. With that in mind, and it having been there for 20 years, I assumed it had been repealed.

**Senator Banks:** It has not, but it is about to.

**Senator Jaffer:** It is about to; I see.

**Senator Banks:** In that respect, it was a good idea at the time. I have a particular interest in it because the Canadian heritage languages institute, which was established by that act, was to be in Edmonton.

• (2130)

I am wondering whether the act is susceptible of being useful, by amendment to bring it up to date, with respect to the initiative about which the honourable senator has spoken.

**Senator Jaffer:** If the act were not repealed, it would be useful. If resources were given to that institute, we would already be way ahead in the strategy we have. I think that if the act has not been repealed, that is a great step. I will look into it.

**Senator Banks:** So honourable senators are aware, the act will be repealed perforce unless a proposal is made to both houses of Parliament that it not be repealed.

**Hon. Joseph A. Day:** Honourable senators, I am wondering if that is entirely right. Until it is repealed, it is a law that has been passed by Parliament, as I understand it. If it is proclaimed in the interim, it would be law. I ask that Senator Jaffer confirm that if there is interest in the government and in Parliament, all that need be done is to have the act proclaimed.

**Senator Jaffer:** I thank the honourable senator for those suggestions. I will work over our break period on them.

(On motion of Senator Tardif, debate adjourned.)

## MULTIPLE SCLEROSIS AND CHRONIC CEREBROSPINAL VENOUS INSUFFICIENCY

### INQUIRY—DEBATE ADJOURNED

**Hon. Jane Cordy** rose pursuant to notice of March 10, 2011:

That she will call the attention of the Senate to those Canadians living with multiple sclerosis (MS) and chronic cerebrospinal venous insufficiency (CCSVI), who lack access to the “liberation” procedure.

She said: Honourable senators, nearly 75,000 people in Canada live with multiple sclerosis. Another 1,000 Canadians are diagnosed with the disease each year and, honourable senators, nearly 400 Canadians are dying from this disease every year.

Multiple sclerosis is a devastating disease that attacks the brain. It is the most common neurological disease affecting young adults, and it is two to three times more prevalent in females than in males. The symptoms of MS can be anywhere from mild to debilitating. MS sufferers may experience vision problems, loss of balance, loss of coordination, extreme fatigue, speech or memory failure, and muscle stiffness and paralysis.

The causes of multiple sclerosis are still unknown and there is no cure at this time. It is found that in MS patients, there are high levels of iron deposits in the brain, and evidence shows that a possible link exists between these high levels and the deterioration of the patient.

Recent studies of MS patients by leading researcher Dr. Paolo Zamboni in Italy has shown that a high percentage of MS patients have a condition known as chronic cerebrospinal venous insufficiency, CCSVI. CCSVI is a vascular abnormality that restricts the flow of blood to and from the brain and is potentially the cause of the high levels of iron found in the brain of MS patients.

To treat CCSVI, Dr. Zamboni pioneered the “liberation” procedure, which is an angioplasty procedure correcting the abnormality in veins to the brain. Many doctors around the world have begun administering the “liberation” procedure to treat CCSVI on MS patients.

What Dr. Zamboni has found in these patients who have undergone the “liberation” procedure is that they have often experienced improvements in their MS symptoms. Some of these improvements are drastic, some less so, but it is becoming increasingly evident that the procedure can alleviate some symptoms.

Dr. Sandy MacDonald from Barrie, Ontario, was trained by Dr. Zamboni in the CCSVI diagnosis technique and has been sharing the technique with others. Dr. MacDonald has found that almost 90 per cent of MS patients he has seen have CCSVI.

Over the last several years, the “liberation” procedure has been offered and administered to MS patients in countries such as Italy, Poland, Scotland, Japan, India, Mexico and the United

States. However, Canadian MS patients are prohibited from receiving the treatment here in Canada. In fact, Dr. MacDonald, the only Canadian doctor to diagnose and perform the procedure, has performed six “liberation” procedures in Canada and he is now prohibited from giving the procedure to MS patients.

Honourable senators, angioplasty is a low-risk, universally practiced procedure used for venous obstructions. All Canadians have access to angioplasty procedures for venous obstructions to their organs — all Canadians, that is, except Canadians diagnosed with multiple sclerosis.

I have to ask, why is our health care system discriminating against MS patients? This procedure is performed by radiologists, heart surgeons and vascular surgeons on a daily basis, but the same treatment cannot be given to MS patients to treat CCSVI.

The argument being made in Canada is that there is not enough evidence to suggest a correlation between CCSVI and MS. Because of this lack of evidence, MS patients are refused even the imaging tests to diagnose CCSVI.

This decision has dealt a blow to MS patients across Canada. These patients are Canadians who wait each day, hopeful that doctors will treat them, not with drugs but with a procedure that is showing promise in 50 other countries around the world.

Many MS patients in Canada see that their only option for relief from their symptoms of MS is through the “liberation” procedure and to have this procedure, they are forced to travel outside Canada to have the procedure performed by unfamiliar doctors and unfamiliar medical systems.

Last week, I received emails from Nova Scotians who shared with me their stories about MS. Jeremy, whose sister Kara Lee, a young woman in her 30s who has MS, emailed me. I will read you part of Jeremy's email:

As a brief background our family accepted quite early that Canada was going to be quite slow in offering this treatment for Kara Lee. She did not want to wait 3-5 years. For several months we cautiously monitored the events surrounding CCSVI. We had evaluated the travel options to several countries however in the end we found that Los Cabos, Mexico was the right decision for us mainly because a friend of the family had undergone the treatment in Los Cabos as part of a 10 person clinic study, so at least we knew it wasn't a scam.

The total cost of the trip was approximately \$20,000. \$13,500 was for the testing and surgery.

Accepting the treatment was not available was one thing but by far the most frustrating part of the entire process was the inability to undergo testing in Canada. A significant risk when evaluating whether Kara Lee should travel to Mexico was whether she had the CCSVI condition. If she did not have the condition there would have been no procedure. Ultimately undergoing the Doppler was the critical point and there was a huge sigh of relief when it was found Kara Lee did indeed have a treatable condition.



Another factor to the lack of availability of testing is obtaining follow-up tests. Now that she is home, testing in Nova Scotia is not possible, although we understand private clinics in B.C. and Ontario are now offering the testing at cost.

In Mexico the entire testing and procedure were done in a single (very long) day, blood work, Doppler and the "liberation" procedure. The immediate changes were incredible; within 20 minutes after the procedure her legs no longer had a bluish colour, she had feeling in her leg and her speech and sharpness of mind had improved incredibly. We saw similar experiences with nearly all other patients. Based on my observations individuals who were recently diagnosed seem to have the most drastic recovery. One man from Vancouver came with a cane and had difficulty working a full day. He felt so good he golfed an 18 hole round in Los Cabos in August, I could barely stand to be outside. His brother, also underwent the treatment, he arrived in a wheelchair and amazingly his final night walked from the hotel restaurant to his room unassisted.

• (2140)

Kara Lee has incredible doctors here in Nova Scotia who attempt to support her in many aspects, all the while cautioning that they can in no way condone undergoing this treatment abroad. One doctor attempted to requisition an MRI for her, but it was later rejected when it was noted she had MS. Kara Lee informed her two main MS treating physicians that she was proceeding with the treatment in Mexico, and both provided detailed medical records and summaries of her file to the surgeon in Mexico. One doctor asked if she could baseline her before and retest after the treatment, and noted that the results were unbelievable. However, it was noted this was more for personal interest than for research.

We met approximately 15 Canadians undergoing the treatment the week we were in Mexico, spending close to \$20,000 each, and we were only there for six days. The hospital was booked solid for months. Most individuals shared stories of fundraising, pinching, scraping or getting loans to make their individual trips possible.

The key messages I pass along to people when asked: Testing needs to be available to individuals in Canada. There is no harm to receiving a Doppler or MRI. Swift action should be taken to register and track progress of patients who have travelled abroad for the procedure. I'm glad to see tax credits for individuals receiving treatment outside of Canada however it seems like we are actively promoting the practice of getting this treatment out of country. With so many individuals with multiple sclerosis off work, investing to have the procedure in Canada would likely pay for itself if only a small portion of these people could return to work. Additionally, appreciating that I am biased, I think this one treatment is very unique, and Canada ultimately needs to get on board. The fact that research studies are looking at proving the link between MS

and CCSVI seems ridiculous and appears to some that they are simply trying to delay getting to actual clinical trials. I don't need to give any details on the devastating effects of MS but the associated effects on family are also devastating.

That note was from Jeremy.

Edna Lee, from Glace Bay, emailed me as well. Some of you may remember her, as she spoke before the Senate Energy Committee during the DEVCO mine closures. I will read excerpts from her email:

My name is Edna Lee. I have been suffering from multiple sclerosis for 27 years, a disease with no known cure or cause. As I look back at my history of living with this disease, I have memories of many difficult times, times of struggle to overcome an illness that robbed me of my strength, ability to walk, balance, coordination, extreme fatigue, paralysis, loss of feeling and other symptoms not seen but present.

Multiple sclerosis is a devastating illness, difficult to accept and even more difficult to live with. Canada has the highest incidence of MS in world. MS usually strikes between the ages 15 and 40. As a person living with this illness, I have encouraged a lack of understanding of the illness, even within my own family and community. Many times people say you look so good. I am happy to hear such a wonderful compliment but I wonder what they would think if they knew how I felt inside my body.

I have encountered the obstacles of living with a disability at home and at work. As Canadians, we strive to be the best in the world, to care deeply for our neighbours and to do all we can to ease suffering. We are generous. This has been shown many times over as we have responded to world disasters. We are disability conscious, striving to ensure our buildings are accessible for handicapped, yet we lag behind to ensure our disabled persons suffering from MS have every chance at a cure or improved quality of life by denying them access to Canadian clinical trials, the liberation treatment and follow up care after the procedure is completed.

We have Canadians travelling outside of our great country at enormous cost to themselves to have liberation treatment in the hope this will be the cure that will allow them to live a normal life. Like every other person suffering with multiple sclerosis, I have waited for a cure, waited in hope all these years, hope that something would come along to stop the progression of my illness.

For the first time, we have a discovery that may make the difference in the lives of those who suffer from multiple sclerosis. CCSVI. It appears. . . CCSVI is taboo in some areas of the medical field in Canada and in some provinces such as Nova Scotia. A simple test, a Doppler ultrasound that takes only four minutes, and it is not covered by health care. I will travel to Barrie, Ontario, to be tested on May 30th for CCSVI. I am anxious to have the test done and will pay the fee of \$250. Why will I do this? The answer is simple, to find out if I have a chance for a cure or improved quality of life. Sounds crazy, but CCSVI is the first ray of hope for someone like me.

I have read so many good news stories about the improvements felt after “liberation” and if I have CCSVI, I hope I will be able to have the “liberation treatment” in my own country because I cannot afford to pay and spend thousands of dollars to go to foreign lands where I have no idea of the quality of health care I may receive. The lack of follow up care for those who have travelled to have liberation in other countries is a major concern. If I had a heart blockage I would be treated in this country. A blockage of major veins is no different and deserves to be treated.

The Canada Health Act provides every Canadian with access to quality universal health care and therefore Canadians who suffer from multiple sclerosis and CCSVI should have free access to testing for CCSVI and “liberation” treatment without charge. I believe the lack of testing, treatment and follow-up care in Canada for CCSVI is against rights of Canadians under the Canada Health Act.

Could I have five more minutes please?

I want to thank Jeremy, Edna and many others who have written to me about the effect of MS on individuals and their families.

Honourable senators, the federal government must play a leadership role. Often in medicine when a treatment shows promise it is fast tracked. No one can deny that the “liberation” procedure shows promise, yet many MS patients are waiting for a health care system to act while 50 other countries are doing clinical trials. Canadians deserve better.

The lack of follow-up care is a missed opportunity for our health care system to better study and understand CCSVI and the possible relationship with MS. We in Canada are not collecting data. The Canadian MS Society and those with experience in the “liberation” procedure want proper follow-up care for patients who have chosen to undergo the “liberation” procedure outside Canada and they want a registry of Canadians who have undergone venous angioplasty to better track and collate data on the MS patient’s progress.

However, clinical trials in Canada are really needed to better study and understand the possible relationship between CCSVI and MS. There is no better way for Canadian scientists and doctors to study the issue than conducting their own clinical trials instead of relying on second-hand data.

Canadian patients are more comfortable and better cared for by familiar doctors. The results of the cases are better understood if conducted here in Canada. An end to this discrimination against MS patients must be our goal. It is a sad truth that the suicide rate for MS patients is seven times higher than the national average, a shocking statistic and indicative of the hopelessness many MS sufferers feel toward finding relief from their symptoms.

The “liberation” treatment is showing too much promise around the world to be ignored by our government. We owe it to Canadians diagnosed with MS, and to their families, to provide

them with the best possible care. I implore the Minister of Health to provide leadership on this issue and bring together her provincial and territorial counterparts for the purpose of developing a national policy on the treatment and follow-up care for Canadians with MS.

Honourable senators, this is not a partisan issue. I am sure that most senators here today know of courageous Canadians who are living with MS. We should not have a two-tiered health care system where Canadians with MS must beg for angioplasty treatment, which is already an established part of medical practice in Canada and yet is not available to them because they happen to be diagnosed with MS.

As Kirsty Duncan, the MP for Etobicoke-North, who has done incredible work on this file, stated: “There is only one thing worse than having MS, that is having MS and knowing there is diagnosis to treatment out there, but you cannot get it.”

• (2150)

Honourable senators, let us work together to do the right thing.

**Some Hon. Senators:** Hear, hear.

**Hon. Don Meredith:** I thank the Honourable Senator Cordy for her passionate discourse on this matter. As someone who has raised funds for MS in the past, I know this treatment will assist Canadians to gain a better quality of life.

My question to her is: What are the objections from Health Canada that have prevented this national strategy to go forth?

**Senator Cordy:** I thank Senator Meredith for his question and his interest in the field of MS because, as I said earlier, there are 75,000 people in Canada living with this disease and another 1,000 Canadians diagnosed each day.

I am not absolutely sure, but my understanding from what I have read is they feel there is not enough information available at this time on the procedure. The Multiple Sclerosis Society of Canada is suggesting we start collecting the data and maintain a registry. That is one of the biggest things the MS society and those currently working in the field are saying in Canada. They are pleading for a registry and asking us to start collecting the data and start having clinical trials in Canada so that we have the information in order to move forward on performing the procedure in Canada.

(On motion of Senator Andreychuk, debate adjourned.)



**FOREIGN AFFAIRS AND INTERNATIONAL TRADE****COMMITTEE AUTHORIZED TO EXTEND DATE  
OF FINAL REPORT ON STUDY OF ISSUES RELATED  
TO FOREIGN AFFAIRS GENERALLY**

**Hon. A. Raynell Andreychuk**, pursuant to notice of March 21, 2011, moved:

That notwithstanding the Order of the Senate adopted on Tuesday, March 16, 2010, the date for the presentation of the final report by the Standing Senate Committee on Foreign Affairs and International Trade on such issues as may arise from time to time relating to foreign relations generally, be extended from March 31, 2011 to December 31, 2011.

**The Hon. the Speaker:** Is explication being sought?

**An Hon. Senator:** Yes.

**Senator Andreychuk:** This is the usual general reference of Foreign Affairs. The date for the presentation of the final report was set for March 31 and our routine is to extend that date for the purposes of our general objective of foreign policy.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

(The Senate adjourned until Thursday, March 24, 2011, at 1:30 p.m.)

---

## CONTENTS

Wednesday, March 23, 2011

### PAGE

### PAGE

|                                |      |
|--------------------------------|------|
| <b>Royal Assent</b>            |      |
| Notice.                        |      |
| The Hon. the Speaker . . . . . | 2111 |

## SENATORS' STATEMENTS

|  |      |
|--|------|
| <b>L'Ordre de la Pléiade</b>                 |      |
| Congratulations to Recipients.               |      |
| Hon. Rose-Marie Losier-Cool . . . . .        | 2111 |
| <b>The Late William Lennox Rowe</b>          |      |
| <b>The Late William Maurice Lee</b>          |      |
| <b>The Late Noel Villeneuve</b>              |      |
| Hon. Lowell Murray . . . . .                 | 2111 |
| <b>The Late Dr. Nairn Knott</b>              |      |
| Hon. Yonah Martin . . . . .                  | 2112 |
| <b>Newfoundland and Labrador</b>             |      |
| Sixty-second Anniversary of Confederation.   |      |
| Hon. Elizabeth (Beth) Marshall . . . . .     | 2112 |
| <b>Official Languages in Atlantic Canada</b> |      |
| Hon. Maria Chaput . . . . .                  | 2113 |
| <b>Juvenile Arthritis Awareness Month</b>    |      |
| Hon. Catherine S. Callbeck . . . . .         | 2113 |

## ROUTINE PROCEEDINGS

|   |      |
|---|------|
| <b>Budget 2011</b>  |      |
| Documents Tabled.   |      |
| Hon. Gerald J. Comeau . . . . .   | 2114 |
| <b>Study on Matters Relating to Anti-terrorism</b>                                      |      |
| Third Report of Special Committee on Anti-terrorism Tabled.                             |      |
| Hon. Serge Joyal . . . . .  | 2114 |
| <b>The Senate</b>   |      |
| Motion to Photograph Royal Assent Ceremony Adopted.                                     |      |
| Hon. Gerald J. Comeau . . . . .   | 2114 |
| <b>Financial Administration Act (Bill S-229)</b>  |      |
| Bill to Amend—First Reading.  |      |
| Hon. Lowell Murray . . . . .  | 2114 |
| <b>Business of the Senate</b> . . . . .   | 2114 |
| <b>Canada-United States Inter-Parliamentary Group</b>                                   |      |
| Annual Meeting of Southern Governors' Association,<br>August 27-30, 2010—Report Tabled. |      |
| Hon. Janis G. Johnson . . . . .   | 2114 |
| <b>Budget 2011</b>  |      |
| Notice of Inquiry.  |      |
| Hon. Gerald J. Comeau . . . . .   | 2115 |
| <b>Libya</b>  |      |
| Notice of Inquiry.  |      |
| Hon. Gerald J. Comeau . . . . .   | 2115 |

## QUESTION PERIOD

|  |      |
|--|------|
| <b>Finance</b>                         |      |
| Budget 2011.                           |      |
| Hon. James S. Cowan . . . . .          | 2115 |
| Hon. Marjory LeBreton . . . . .        | 2115 |
| Hon. Jane Cordy . . . . .              | 2116 |
| Hon. Céline Hervieux-Payette . . . . . | 2118 |

|                                       |      |
|---------------------------------------|------|
| <b>Agriculture and Agri-Food</b>      |      |
| Agricultural Research and Innovation. |      |
| Hon. Catherine S. Callbeck . . . . .  | 2119 |
| Hon. Marjory LeBreton . . . . .       | 2119 |

|                                 |      |
|---------------------------------|------|
| <b>Finance</b>                  |      |
| Budget 2011.                    |      |
| Hon. Art Eggleton . . . . .     | 2119 |
| Hon. Marjory LeBreton . . . . . | 2119 |

## ORDERS OF THE DAY

|                                  |      |
|----------------------------------|------|
| <b>Point of Order</b>            |      |
| Speaker's Ruling Reserved.       |      |
| Hon. Consiglio Di Nino . . . . . | 2120 |
| Hon. Grant Mitchell . . . . .    | 2120 |

|                                 |      |
|---------------------------------|------|
| <b>Atlantic Accord</b>          |      |
| Document Tabled.                |      |
| Hon. Gerald J. Comeau . . . . . | 2121 |

|  |      |
|--|------|
| <b>Corrections and Conditional Release Act (Bill C-59)</b> |      |
| Bill to Amend—Third Reading—Debate Suspended.              |      |
| Hon. Larry W. Smith . . . . .                              | 2121 |
| Hon. George Baker . . . . .                                | 2121 |
| Hon. Céline Hervieux-Payette . . . . .                     | 2123 |

|                               |      |
|-------------------------------|------|
| <b>Royal Assent</b> . . . . . | 2124 |
|-------------------------------|------|

|                                |      |
|--------------------------------|------|
| <b>Visitors in the Gallery</b> |      |
| The Hon. the Speaker . . . . . | 2125 |

|  |      |
|--|------|
| <b>Corrections and Conditional Release Act (Bill C-59)</b> |      |
| Bill to Amend—Third Reading.                               |      |
| Hon. Céline Hervieux-Payette . . . . .                     | 2125 |
| Hon. Tommy Banks . . . . .                                 | 2125 |
| Hon. James S. Cowan . . . . .                              | 2125 |
| Hon. Bob Runciman . . . . .                                | 2129 |
| Hon. Joan Fraser . . . . .                                 | 2130 |
| Hon. John D. Wallace . . . . .                             | 2130 |

|  |      |
|--|------|
| <b>Criminal Code (Bill C-54)</b>               |      |
| Bill to Amend—Second Reading—Debate Adjourned. |      |
| Hon. Bob Runciman . . . . .                    | 2131 |
| Hon. Joan Fraser . . . . .                     | 2133 |
| Hon. Larry W. Campbell . . . . .               | 2134 |

|  |      |
|--|------|
| <b>The Estimates, 2011-12</b>  |      |
| Main Estimates—Eleventh Report<br>of National Finance Committee Adopted. |      |
| Hon. Joseph A. Day . . . . .   | 2134 |
| Hon. Gerald J. Comeau . . . . .  | 2135 |
| Hon. Irving Gerstein . . . . .   | 2136 |
| Hon. Fernand Robichaud . . . . .   | 2138 |

|                               |      |
|-------------------------------|------|
| <b>Royal Assent</b> . . . . . | 2138 |
|-------------------------------|------|



|   | PAGE |
|---|------|
| <b>Canada Elections Act (Bill S-227)</b>  |      |
| Bill to Amend—Second Reading— Debate Adjourned.   |      |
| Hon. Dennis Dawson . . . . .  | 2138 |
| Hon. Suzanne Fortin-Duplessis . . . . .   | 2141 |
| Hon. Irving Gerstein . . . . .  | 2141 |
| <b>Patent Act (Bill C-393)</b>  |      |
| Bill to Amend—Second Reading—Debate Continued.  |      |
| Hon. Stephen Greene . . . . .   | 2141 |
| Hon. Mobina S. B. Jaffer . . . . .  | 2143 |
| Hon. Claude Carignan . . . . .  | 2144 |
| <b>National Hunting, Trapping and Fishing Heritage Day Bill<br/>(Bill C-465)</b>                                  |      |
| Second Reading.   |      |
| Hon. Charlie Watt . . . . .   | 2145 |
| Referred to Committee . . . . .   | 2145 |
| <b>Protection of Insignia of Military Orders<br/>and Military Decorations and Medals Bill (Bill C-473)</b>        |      |
| Second Reading—Debate Adjourned.  |      |
| Hon. Daniel Lang . . . . .  | 2146 |
| Hon. Tommy Banks . . . . .  | 2146 |
| <b>Study on Costs and Benefits of One-cent Coin</b>   |      |
| Eighth Report of National Finance Committee Adopted.  |      |
| Hon. Gerald J. Comeau . . . . .   | 2146 |
| <b>Study on Canadian Savings Vehicles</b>   |      |
| Fourth Report of Banking, Trade and Commerce<br>Committee Adopted.  |      |
| Hon. Gerald J. Comeau . . . . .   | 2146 |
| <b>Canadian Forces Members and Veterans Re-establishment<br/>and Compensation Act</b>                             |      |
| <b>Pension Act (Bill C-55)</b>  |      |
| Bill to Amend—Eighth Report of National Security<br>and Defence Committee Presented.                              |      |
| Hon. Pamela Wallin . . . . .  | 2146 |
| <b>Study on Government's Role in Supporting the Promotion<br/>and Protection of Women's Rights in Afghanistan</b> |      |
| Seventh Report of Human Rights Committee—Debate Adjourned.  |      |
| Hon. A. Raynell Andreychuk . . . . .  | 2147 |
| <b>Government Promises</b>  |      |
| Inquiry—Debate Continued.   |      |
| Hon. Tommy Banks . . . . .  | 2147 |

|   | PAGE |
|---|------|
| <b>The Senate</b>   |      |
| Motion to Condemn Attacks on Worshippers in Mosques in<br>Pakistan and to Urge Equal Rights for Minority<br>Communities—Debate Continued. |      |
| Hon. Gerald J. Comeau . . . . .   | 2149 |
| Motion in Amendment.  |      |
| Hon. Gerald J. Comeau . . . . .   | 2149 |
| Hon. Tommy Banks . . . . .  | 2150 |
| <b>Senate Online</b>  |      |
| Inquiry—Debate Continued.   |      |
| Hon. Maria Chaput . . . . .   | 2150 |
| Hon. Jim Munson . . . . .   | 2150 |
| <b>The Senate</b>   |      |
| Motion to Call Upon Chinese Government to Release<br>Liu Xiaobo from Prison—Debate Continued.   |      |
| Hon. Tommy Banks . . . . .  | 2151 |
| Hon. Consiglio Di Nino . . . . .  | 2151 |
| <b>Women in Prisons in Canada</b>   |      |
| Inquiry—Debate Concluded.   |      |
| Hon. Elizabeth Hubley . . . . .   | 2152 |
| <b>The Senate</b>   |      |
| Motion to Recognize December 10 of Each Year<br>as Human Rights Day—Debate Continued.   |      |
| Hon. A. Raynell Andreychuk . . . . .  | 2154 |
| <b>Aboriginal Affairs</b>   |      |
| Inquiry—Debate Continued.   |      |
| Hon. Gerald J. Comeau . . . . .   | 2154 |
| <b>National Language Strategy</b>   |      |
| Inquiry—Debate Adjourned.   |      |
| Hon. Mobina S. B. Jaffer . . . . .  | 2154 |
| Hon. Tommy Banks . . . . .  | 2156 |
| Hon. Joseph A. Day . . . . .  | 2156 |
| <b>Multiple Sclerosis and Chronic Cerebrospinal Venous Insufficiency</b>  |      |
| Inquiry—Debate Adjourned.   |      |
| Hon. Jane Cordy . . . . .   | 2157 |
| Hon. Don Meredith . . . . .   | 2159 |
| <b>Foreign Affairs and International Trade</b>  |      |
| Committee Authorized to Extend Date of Final Report<br>on Study of Issues Related to Foreign Affairs Generally.                           |      |
| Hon. A. Raynell Andreychuk . . . . .  | 2160 |







*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5





CANADA



# Debates of the Senate

---

3rd SESSION

• 40th PARLIAMENT

• VOLUME 147

• NUMBER 98

---

OFFICIAL REPORT  
(HANSARD)

**Thursday, March 24, 2011**

—

THE HONOURABLE NOËL A. KINSELLA  
SPEAKER



## CONTENTS

(Daily index of proceedings appears at back of this issue).

## OFFICIAL REPORT

### CORRECTION

**Hon. Jane Cordy:** Honourable senators, before we move to Orders of the Day, I would like to make a change to the *Debates of the Senate* from last evening.

When I was speaking about multiple sclerosis, in response to an excellent question from Senator Meredith — whom I thank for his interest — I said that there were 75,000 people in Canada living with the disease, and then I said, “and another 1,000 Canadians diagnosed each day.” Of course, that should have been each year. I guess we can blame it on the lateness of the evening, but I would like that changed.

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Thursday, March 24, 2011

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in the gallery of some of the distinguished members of the Parliamentary Spouses Association. In particular, I wish to recognize Mrs. Carolyn Rompkey and Mrs. Shelagh Cowan.

On behalf of all honourable senators, welcome to the Senate of Canada.

**Hon. Senators:** Hear, hear!

## SENATORS' STATEMENTS

### GLOBAL DAY OF EPILEPSY AWARENESS

**Hon. Yonah Martin:** Honourable senators, I wish to acknowledge Global Day of Epilepsy Awareness. Member of Parliament Ed Fast has given us these purple ribbons to help us remember those who are facing and addressing this important challenge in their lives.

### THE LATE DR. NAIRN KNOTT

**Hon. Yonah Martin:** Honourable senators, this is an opportunity for me to finish the important tribute I began yesterday. This part is much shorter.

In 1950, when war broke out on the Korean peninsula, Dr. Knott volunteered to attend the Naval Air Training Command at Pensacola, Florida, where he qualified as a naval aviator and flight surgeon, volunteering for active duty aboard the aircraft carrier USS *Boxer*. He was decorated with battle stars for his role in the Battle of Pusan and the Battle of Chosin Reservoir.

He is not only a decorated hero, but also a hero beyond measure in the hearts of millions, and in my heart. It is beyond measure and comprehension, the sacrifices that nearly 30,000 Canadians made for a foreign people across a vast ocean, in a Third World country that people hardly knew of, until the hostilities intensified and captured the attention of the world.

Some Canadians went looking for adventure, some for greater meaning in their lives and for many, as Dr. Knott stated, "It was the right thing to do." The right thing for a devoted husband and father, who had a successful medical practice in Vancouver

and was awaiting the arrival of his third child, may have been to ignore the call to action, but Dr. Knott volunteered to serve in Korea. His loving wife let him go, knowing he might never return, and his son, Lyall, was born in his father's absence.

Dr. Knott left his home, his practice and his family for the people of Korea, for my parents and for me. With sincere gratitude and the deepest of respect to the Knott family, I make this tribute in memory of Dr. Nairn Knott, beloved husband, father, grandfather, great grandfather and veteran — a true Canadian hero.

### SAFE DIGGING MONTH

**Hon. Rod A. A. Zimmer:** Honourable senators, I rise today to make you aware that April is Safe Digging Month. All Canadians are urged to, "Call Before You Dig," to prevent damage to buried facilities, in the interests of worker safety, public safety, protection of the environment and the preservation of the integrity of the underground infrastructure that provides goods and services essential to society.

April is the traditional start of the annual digging season in Canada. Homeowners are planning their outside projects and contractors are gearing up.

Honourable senators, the Canadian Common Ground Alliance has proclaimed April as Safe Digging Month to increase public awareness of the need to call before you dig. The Canadian Common Ground Alliance, chaired by my friend, Mr. Mike Sullivan, who is in the gallery today, is the voice of Canada's regional partner CGAs, dedicated to working towards damage prevention solutions that will benefit all Canadians. Through shared responsibility amongst all stakeholders, the CCGA works to reduce damage to underground infrastructure, ensuring public safety, environmental protection, and the integrity of services by promoting effective damage prevention practices.

• (1340)

The surface of Canada, both urban and rural, is underlain with an extensive but hidden underground network of pipes and cables that provides goods and services essential to today's society. Buried facilities include communications, electrical, gas distribution, sewer, water, storm drainage, irrigation, oil and gas production lines, and hydrocarbon transmission pipelines.

In Alberta alone, the extent of the underground infrastructure is estimated at more than 1.5 million kilometres and includes some 400,000 kilometres of high-pressure pipelines.

Honourable senators, each year there are numerous instances where the integrity of this infrastructure is jeopardized by improperly conducted ground disturbances. Failure to call before you dig to have buried facilities identified and their locations marked prior to disturbing the ground is the most frequent cause of buried facility damage. The consequences of damage to buried facilities can include disruption of essential



services, property damage, environmental contamination, personal injury and even death. A disruption of our parliamentary services happened right here on Parliament Hill last fall.

All ground disturbers, including contractors, homeowners and landowners, can save time and money and keep themselves and our provinces safe and connected by following ground disturbance and buried facility damage prevention best practices. These include making that simple call to one's provincial one-call system in advance of any ground disturbance project, waiting for the buried facility locates to be done by the facility owners, respecting the locate marks, exposing any conflicting buried facilities, and digging with care.

Honourable senators, in the interest of the safety of all Canadians, please remember to call before you dig, so that we continue to live in a safe country in this great adventure we call Canada.

### BLADDER CANCER

**Hon. Irving Gerstein:** Honourable senators, I rise today to address an extremely important issue, probably as important as I have ever spoken about in this place.

The other week, my friend Senator Finley made a moving and informative statement about colorectal cancer. Today I would like to draw your attention to a nearby area of the body. Honourable colleagues, I was recently diagnosed and treated for bladder cancer.

It is not in my nature to make public speeches about personal issues. Most people would consider me a rather private man. However, I believe that the honour of occupying a public office, such as a seat in Parliament, comes with the solemn obligation to use it for the public good, whenever and however the opportunity arises. It is my hope that my words today will raise public awareness of bladder cancer and, in so doing, will call up some much-needed reinforcements in the battle against this disease, spurring on the forces of medicine a little closer to victory.

When I was informed, last November, that I had bladder cancer, I knew nothing about this particular form of cancer. However, I learned quickly. There is nothing like hearing the word "cancer" from the lips of a physician to focus one's mind. I learned that bladder cancer is a common disease, smoking being the main risk factor. I learned that in Canada alone there are nearly 7,000 new cases diagnosed each year, and that more than one quarter of those are fatal. I also learned that in about 70 per cent of cases, bladder cancer is diagnosed at an often curable, non-invasive stage. Unfortunately, in the other 30 per cent of cases, treatment options are few and radical — and come with no guarantees.

Part of the challenge in combatting bladder cancer is the lack of screening tools. One usually does not know one has it until one shows symptoms, by which time it may be too late. I was fortunate that my illness produced symptoms early.

I was also very fortunate to be treated by the medical staff of the Mount Sinai Hospital in Toronto, led by Dr. Alexandre Zlotta, Director of Uro-Oncology.

Dr. Zlotta and his team rank among the world's leading experts in the detection and treatment of bladder cancer. They are doing cutting-edge research into ways to improve current treatments, make prognoses more accurate, and deliver personalized medicine to bladder cancer patients.

Honourable senators, I also count myself very lucky in one more way. Throughout my life, and particularly throughout my recent illness, I have enjoyed the love and support of a close family. I want to especially pay tribute to my wonderful wife, Gail, who is possessed of an uncanny sense of when to simply tolerate my ways, and when to press me on a particularly important matter.

Like Senator Finley, I have also been moved by the gracious sentiments expressed to me by many of my Senate colleagues, including many of you on the other side. I cannot begin to describe how much your encouragement has meant to me.

If I can leave honourable senators with one clear message today, it is this: Bladder cancer is a common, serious and little-understood disease. It is also a difficult and expensive illness to treat. I applaud those, like Dr. Zlotta and the entire team in the Bladder Cancer Research Program at the Samuel Lunenfeld Research Institute at Mount Sinai Hospital, together with the Princess Margaret Hospital University Health Network, who are working to address these challenges, and I encourage honourable senators and all Canadians to support their efforts.

### THE HONOURABLE BILL ROMPKEY, P.C.

#### EXPRESSION OF THANKS

**Hon. Bill Rompkey:** Honourable senators, Ecclesiastes tells us that there is a time for everything — a time to come and a time to go. I saw a friend of mine in the lower corridor the other night whom I had not seen for 25 years, and she asked, "Are you still here?" I knew it was time to go, and it is time to go, but I have some people I want to thank.

As an aside, John Crosbie wore his mukluks during the budget he delivered in 1979. We defeated the budget, but not John Crosbie. Next week, in St. John's, he will be hosting a ceremony that recognizes the fifth anniversary of the signing of the Labrador Inuit Land Claims Agreement in Northern Labrador and the creation of Nunatsiavut. Those people returned me to the House of Commons seven times in succession. I want to thank them and tell them, through you, honourable senators, that it has been a privilege to work with them. I want to thank the people all over Labrador.

My first riding was Grand Falls—White Bay—Labrador, which was about 130,000 square miles, including people on the Great Northern Peninsula, in Central Newfoundland, and in the Grand Falls—Windsor area, as Senator Marshall will know. It has been a privilege and an honour for me to serve them. I always remember the words of Mike Forrestall, who said that elected office is like having a love affair with your constituents. Those of

us who serve know how important that bond is. It is a privilege that is not given to everyone, but it is a privilege that I value, and I am sure honourable senators do as well.

That riding was big, and I was away from home quite a lot. I had two small children. My daughter was five when I came to Ottawa and my son was a year old. One night, as he was getting ready for bed and his mother was reading to him, he said, "Mom, have I been in politics all my life?" Sure enough, he had.

Carolyn minded the house. Those of you who have experienced this, as I have, know that one cannot do it alone; one must have that support. Carolyn has been a strong support, and not just at home; she has also been a terrific campaigner. As a matter of fact, some say that Carolyn is the real politician in the family. I want to thank her.

I know that other members of the staff who have worked for me over the years are in the gallery, but I know they will understand if I say that I owe so much to Janice Marshall, who has been with me for over 20 years. I would go to the riding, and people would say, "Thanks very much for what you did for us." I would not have a clue what it was that I had done, because Janice had looked after it. She has been there for me and has been very loyal. You need that kind of support when you do this job. I want to give her my thanks, too.

I want to thank honourable senators for the relationship we have had here. I sit in awe of the talent around me in this chamber. This is a terrific chamber of people, from all walks of life, who contribute so much to Canada. It is a privilege to have worked with you, and I encourage you to keep up the good work. I think that the people of Canada do not really know what they have in this chamber. The irony is that the essence of the chamber is so high, yet the opinion of the Canadian people, through the media, is not as high as it should be. However, we soldier on. We do good work. I want to encourage you to keep it up. I will miss you.

• (1350)

I will miss my seatmate. We sat here and reviewed the passing parade each day. All of you are in the parade; you did not even know it. However, we made no notes and it will be kept in confidence. I will miss the people; I will miss the Hill, which has been my life for 40 years. I will miss it all and I appreciate the opportunity that I was given and it will be a memory for me always.

Bonne chance! À demain!

**Hon. Senators:** Hear, hear!

#### TRIBUTE ON RETIREMENT

**Hon. Lowell Murray:** Honourable senators, the rule is that the time set aside for Senators' Statements must not be used for debate. I do not intend to debate anything that Senator Rompkey has said. However, there are a number of matters that occur to me immediately that, out of modesty, Senator Rompkey has left unsaid, and I trust you will permit me to invoke my senior status to complete the record in some fashion.

Senator Rompkey, as he told us, has been in Parliament since 1972. That makes almost 40 years — from 1972 until 1995 in the House of Commons, and since that time in the Senate. He had been parliamentary secretary in several departments to several ministers. When Mr. Trudeau formed his final administration in 1980, Mr. Rompkey, as he was then, became Minister of National Revenue; later Minister of State with responsibility for Small Business and Tourism, still later Minister of State with responsibility for Mines; and later Minister of State with responsibility for Transport.

Senator Rompkey came to the Senate on the recommendation of Prime Minister Chrétien in 1995. He has been, for his sins, Chair of the Standing Committee on Internal Economy, Budgets and Administration and lived to tell the tale. He was Government Whip in the Senate when the Liberals were in office and Deputy Leader of the Government in the Senate, from 2004 to 2006. I may say, as one who is without party, that all of us who are in that status here appreciated very much the courtesy and consideration that Senator Rompkey always extended to us when he was a member of the government leadership.

Senator Rompkey's most recent triumph, which is prominent in the media of yesterday and today, was as Chair of the Standing Senate Committee on Fisheries and Oceans, which tabled a report a while ago on the de-staffing of lighthouses. As recently as yesterday, Minister Shea announced that the government accepted the recommendations of the committee and those lighthouses in Newfoundland and Labrador and in British Columbia would remain staffed. When Senator Rompkey told me that the government had accepted all the committee's recommendations, he said, "I think that is rather rare." I said, "I think it is unique." So hats off to Senator Rompkey for the leadership that he gave that committee during those studies. Although I was not a member of the committee, I travelled with the committee and followed its good work.

Honourable senators, I think it also needs to be said, for those of you who are not fully aware of it, that Senator Rompkey has published two books on Labrador: *The Story of Labrador*, which is a comprehensive history; and *From the Coast to Far Inland*, a collection of writings on Labrador. He has collaborated on the publication of *Your Daughter Fanny*, the wartime letters of Fanny Cluett. Some of us attended the launch of his most recent book, *St. John's and the Battle of the Atlantic*, which examines the service of that city to one of the most famous battles in military history and the effect that battle had on the people of St. John's, Newfoundland.

Senator Rompkey, early in his days here, chaired the Special Senate Committee on the Cape Breton Development Corporation that dealt with the coal industry, a matter of interest to some of us here in the Senate. His leadership in that matter was greatly appreciated.

Honourable senators, I was pleased that some years later, I was able to reciprocate when, as Chair of the Standing Senate Committee on National Finance, Senator Rompkey asked me to do a study on the Goose Bay Labrador air force base. These little acts of mutual consideration can sometimes go a long way in the Senate.



Again, honourable senators, I guess I have lost my bet on the election. We appear to be heading for the polls. With the dissolution of Parliament in mind, Senator Rompkey will not be here in May, on the date of his retirement. Therefore, I join with all honourable senators in saluting his exemplary service to this place, to the other place, to Canada, and especially to Newfoundland and Labrador over the years, and to wishing him every good fortune in the years ahead.

**Hon. Senators:** Hear, hear!

## ROUTINE PROCEEDINGS

### STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

SEVENTH REPORT OF FISHERIES AND OCEANS COMMITTEE TABLED

**Hon. Bill Rompkey:** Honourable senators, I have the honour to table, in both official languages, the seventh report, interim, of the Standing Senate Committee on Fisheries and Oceans, entitled: *Report on the Implementation of the Heritage Lighthouse Protection Act*.

(On motion of Senator Rompkey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

### NATIONAL HOLOCAUST MONUMENT BILL

SEVENTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

**Hon. Kelvin Kenneth Ogilvie,** Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, March 24, 2011

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### SEVENTEENTH REPORT

Your committee, to which was referred Bill C-442, An Act to establish a National Holocaust Monument, has, in obedience to the order of reference of Tuesday, March 22, 2011, examined the said bill and now reports the same without amendment.

Respectfully submitted,

ART EGGLETON  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Martin, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on the Orders of the Day for third reading later this day.)

[Translation]

## CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—TWENTIETH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

**Hon. Joan Fraser,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, March 24, 2011

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

#### TWENTIETH REPORT

Your Committee, to which was referred Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy), in obedience to the Order of Reference of Monday, March 21, 2011, has examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Lang, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on Orders of the Day for consideration later this day.)

• (1400)

[English]

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE—COMMITTEE ON ECONOMIC AFFAIRS AND FIRST PART OF ORDINARY SESSION, JANUARY 20-28, 2011—REPORT TABLED

**Hon. Michael L. MacDonald:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association, regarding its participation at the Committee on Economic Affairs and Development of the Parliamentary Assembly of the Council of Europe and the First Part of the 2011 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held in London, United Kingdom and Strasbourg, France, from January 20 to 28, 2011.

## CANADA-JAPAN INTER-PARLIAMENTARY GROUP

BILATERAL MEETING WITH JAPAN-CANADA  
DIET FRIENDSHIP LEAGUE, JANUARY 3-7, 2011—  
REPORT TABLED

**Hon. David Tkachuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Japan Inter-Parliamentary Group on the Seventeenth Bilateral Meeting with the Japan-Canada Diet Friendship League, held in Vancouver, Squamish and Whistler, British Columbia, Canada, from January 3 to 7, 2011.

CO-CHAIRS' ANNUAL VISIT TO JAPAN,  
FEBRUARY 13-18, 2010—REPORT TABLED

**Hon. David Tkachuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Japan Inter-Parliamentary Group on the Co-Chairs' Annual Visit to Japan, held in Tokyo, Japan, from February 13 to 18, 2010.

## QUESTION PERIOD

### INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

#### SAFE DRINKING WATER FOR FIRST NATIONS BILL

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question is directed to the Leader of the Government in the Senate.

Bill S-11, a bill to provide safe drinking water on First Nations lands, was a major priority of this government, and then within the last few weeks the bill was dropped. What happened? Is clean drinking water on reserves no longer a priority for the government, did the government decide that the legislation it put forward was the wrong way to go, or did something else happen?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. Before answering the question, I will take this opportunity to bid farewell to Senator Rompkey, since we will be into an election if the coalition parties are determined to take down our government.

Senator Rompkey has been a great colleague in the Senate. At one time, he held the position of whip. I have some experience with that, and it is not one of the easiest jobs. In fact, it is probably one of the toughest jobs in the Senate.

I am sure Senator Rompkey was pleased to note the budget commitment to Mealy Mountains National Park.

I wish to congratulate you and your committee for the great work you did on the lighthouse issue. I equally congratulate my colleagues in the government, particularly the Minister of Fisheries and Oceans, Gail Shea, for the decision she announced yesterday.

Senator Murray spoke about the report being unique. There have been many occasions on which this government has heeded reports of the Senate, although I am not so sure there was a very good record of that when he was the Leader of the Government in the Senate, but that is a debate for another day.

Senator Rompkey, I want you to know that you have made a great contribution to your province and to the country and that you have been a great credit to the institution of Senate. I bid you farewell.

**Some Hon. Senators:** Hear, hear!

**Senator LeBreton:** With regard to Senator Cowan's question on Bill S-11, that bill is still a priority of the government. Although I am not completely up to date on this, I understand that when the bill was in committee there were discussions among committee members. I am not familiar with the final decisions that were made. The chair, Senator St. Germain, is away at the moment due to health issues.

I want to assure Senator Cowan that it is very much a priority of the government and that we would expect the opposition to come to their senses and not defeat the government so that we can get on with these important bills.

**Senator Cowan:** The Leader of the Government will understand that I am much more in agreement with the first part of her comments with respect to my colleague Senator Rompkey than with the latter part.

### OFFICE OF THE LEADER OF THE GOVERNMENT IN THE SENATE

BRUCE CARSON

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, we have been reading media reports about a company referred to as H2O and its interest in water issues on First Nations reserves. Could the leader advise this chamber whether she or anyone in her office met or spoke with Bruce Carson about Bill S-11 specifically or about fresh water on First Nations reserves generally?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, there is no indication that the gentleman to whom Senator Cowan refers has obtained any contracts or had any dealings with the government. I have not spoken to Bruce Carson about any issue for quite some time, water or otherwise.

**Senator Cowan:** I accept that the leader has not personally spoken to him. Can she tell us whether any member of her staff may have spoken with him?



**Senator LeBreton:** Honourable senators, I cannot imagine why any member of my staff would have spoken to him. The fact is that, as I have already said, there is no evidence that Mr. Carson obtained any contract or did any work for the government. We were the ones who introduced the Accountability Act —

**Senator Mercer:** How is that working for you?

**Senator LeBreton:** It is working a lot better for us than for it did for you.

The fact is that the Prime Minister's Office did the right thing. The Accountability Act is the law and anyone who breaks that law has to face the full consequences of it.

**Senator Cowan:** Honourable senators, my question was whether any member of the leader's staff had any dealings with Mr. Carson. Press reports are that Mr. Carson was interested, himself and through friends, in issues of fresh water on First Nations reserves, and that issue was the subject of legislation before the Senate.

I am simply asking the leader whether any member of her staff had any contact with Mr. Carson in relation to these issues. The answer is "yes" or "no."

**Senator LeBreton:** My answer is that I do not believe there would be any reason for any member of my staff to do so. The honourable senator is asking a hypothetical question.

• (1410)

Why would I be interested in talking to Bruce Carson about water on reserves? I am not even sure who on my staff would know Bruce Carson.

**Senator Cowan:** Would the leader undertake to consult with members of her staff and advise me in writing if any member had such contact?

**Senator LeBreton:** Since the honourable senator is on a witch hunt for members of my staff, I will be happy to ask them. I have great faith in my staff. It is not the first time they have been attacked by members opposite. My staff would have no reason to be involved in any of this.

**Senator Cowan:** I am not attacking the leader or any member of her staff. I am asking a question, and the answer is a "yes" or "no."

Since Mr. Carson left the employ of the Prime Minister's Office, has the leader allowed him to use her offices, or any offices under her control in Centre Block during his visits to Parliament Hill?

**Senator LeBreton:** Honourable senators, I am the Leader of the Government in the Senate. I am responsible for my own office. I do not know what the intent of this question is.

The last time I saw Mr. Carson was about a year ago when I ran into him on the street and I asked him to come up and have a cup of coffee with me.

**Senator Cowan:** And did he?

**Senator LeBreton:** Yes, he did.

## INDUSTRY

### NATIONAL RESEARCH COUNCIL— SCIENCE AND TECHNOLOGY

**Hon. Jim Munson:** Honourable senators, my question is for the Leader of the Government in the Senate. We know that she does not like *The Globe and Mail* or CTV's "Question Period," but on Saturday, in the *Ottawa Citizen*, we learned that a radical change in mandate and governance was being implemented with the National Research Council, Canada's largest and most renowned scientific institute.

The organization's Conservative-appointed president, Calgary engineer and businessman John McDougall, alerted staff by an email sent on March 2, that he wants research that is "... successfully deployed and used to benefit our customers and partners in industry and government," ordering all resources to focus on research leading to economic development and technology, with less emphasis on pure science and basic research — something which Senator Keon taught me is important. The memo stated that the NRC will, from now on, "... reward good performance and find ways to deal with weak performance."

These statements have echoed the fears of departmental scientists. Since the arrival of this government, their work has been politically directed and their findings kept secret.

In light of these revelations, I ask: Are the scientists at the National Research Council about to suffer the same fate as many of their counterparts in the public service?

**Hon. Marjory LeBreton (Leader of the Government):** The National Research Council is operating with a new president. The government has science and technology policies that are not the same as those of the previous government. That is their right and our right. That is what governments do. I will simply take the rest of the honourable senator's question as notice.

**Senator Munson:** In addition to a possible muzzling of the scientists and their findings, the new leadership at NRC has dramatically revised the way funds are allocated within the organization. Starting this spring, 20 per cent of the research budgets will be redirected to the priorities of the president and the vice-presidents. Management made it clear that 80 per cent of funds will be allocated that way down the road. This revised structure will force existing staff to apply for their current jobs and be at the mercy of a management that insists on pleasing Canadian industry.

The scientists are not faring well under the new system. Mr. McDougall stated that the staff has suggested more than 70 research areas, but that it was quite difficult to identify the market driver behind the work or the direction and leadership for the majority of the activities.

Is the NRC not compromising its mandate and the fundamental purpose of basic research and pure science, as Senator Keon talked about, by jeopardizing the academic freedom of scientists to focus on the short-term goals of Canadian big businesses?

**Senator LeBreton:** As I mentioned, I will take Senator Munson's question as notice with regard to the operation of the National Research Council.

Clearly, there are new policies and directions, which is the right of any government. There is new leadership. Many organizations have set these policies.

This government has a terrific record on science and technology issues. The next phase of *Canada's Economic Action Plan* invests in R&D, higher education, and new technologies. It provides for \$80 million in new funding over three years through the Industrial Research Assistance Program to help small- and medium-sized businesses accelerate adoption of key information and communications technologies through collaborative projects with colleges.

The budget invests an additional \$37 million per year to support the three federal research granting councils, an additional \$65 million for Genome Canada, and up to \$100 million to help establish a Canada Brain Research Fund. I was glad to see one of the newspapers point out this morning that it was a terrific announcement of a budget that did not get a lot of attention. I read into the record yesterday what the Association of Universities and Colleges of Canada thought about this.

Since taking office, we have created programs such as the Canada Excellence Research Chairs, the Vanier Canada Graduate Scholarships Program, and the Banting Postdoctoral Fellowships. The recent budget, which the opposition coalition clearly intends not to support, establishes ten new Canada Excellence Research Chairs, some of whom will be active in fields related to Canada's digital economic strategy.

As I said before, our science and technology strategy that was launched in 2007 means that Canada is ranked number one in the G7 countries in support of basic, discovery-oriented university research.

The former Liberal government, that Senator Munson was such an integral part of, cut \$442 million from the science and technology budget in the mid-1990s.

**Senator Munson:** I have a supplementary question. The leader should be very careful in using the word "coalition." Think back and remember 2005 when Mr. Harper sought a coalition with partners in the opposition. The Harper coalition was with "those separatists," I think they called them. I would be careful with the word "coalition."

The leader is in the habit of reading her own cue cards and she does it quite well. I happen to have a few cue cards in front of me, as well.

As most scientists would agree, one of the main challenges of operating a research institute in this manner lies in the evaluation of the work produced by scientists who have been given short-term economic development objectives.

There is an influential voice from the scientific community in my cue cards — Henry van Driel, the President of the Canadian Association of Physicists. The article in the *Ottawa Citizen* quotes Professor van Driel as saying:

"And it's very hard to anticipate what the next breakthrough will be." Thirty years ago no one "sat at a table and said, 'I want to invent an Internet, I want to invent a BlackBerry (or) a flat-screen TV based on liquid crystal displays,'" he said. "A lot of that comes from people . . . discovering properties of matter, discovering properties of materials" for others to apply later.

He went on to say:

I hope it doesn't come at the expense of the significant capability they have in basic research. Without basic science, there's no science to apply.

The Chair of the Canadian Consortium for Research also said a few other things in the same article.

Can the leader tell this chamber how exactly the NRC will adequately evaluate its science's performance if it fails to take into account long-term positive impacts of their fundamental research.

• (1420)

**Senator LeBreton:** As honourable senators are aware, the government has invested considerable effort and money in our scientific community and in the area of science and technology. Quite clearly, there is a new policy direction for the National Research Council.

The honourable senator will have to accept the offer, which I have made twice, to seek out specific information about the mandate of the National Research Council and provide it by written response.

**Senator Munson:** Honourable senators, I will accept the leader's offer, and I would be pleased to answer her offer on the other side of the chamber after the election.

**Hon. Wilfred P. Moore:** Honourable senators, I have a supplementary question for the Leader of the Government in the Senate. The driving factor in terms of the change in the operation of the National Research Council seems to be this new research policy. Could the leader tell us what that is and, if she cannot do so today, could she please bring that answer to the house or table it with the clerk?

**Senator LeBreton:** Honourable senators, I have already made that commitment three times, and I will make it again a fourth time. Honourable senators are having a hard time understanding the meaning of the word "yes." I indicated that I would get information on the policy and mandate of the National Research Council, and I will be happy to table a written response.



## OFFICIAL LANGUAGES

### FRENCH LANGUAGE TRAINING IN BRITISH COLUMBIA

**Hon. Mobina S. B. Jaffer:** Honourable senators, my question is to the Leader of the Government in the Senate on French training in British Columbia.

[Translation]

My question is for the Leader of the Government in the Senate and has to do with teaching Canada's official languages. The B.C. Ministry of Education recently proposed a new curriculum for language teaching in the province that I have the honour of representing here.

Unfortunately, in the draft curriculum, French is no longer presented as one of Canada's official languages, but rather it is included in the "other languages" category.

[English]

Dr. Réal Roy, the president of La Fédération des francophones de la Colombie Britannique, stated:

We are very pleased by the solid anchoring of the new IRP in the Common European Framework of Reference for Languages and its aims to develop plurilingualism among B.C.'s elementary and secondary schools students.

In this context, we would like to enthusiastically support, in any way possible, the implementation of a French language curriculum with the Common European Framework of Reference for Languages.

Madame Claire Trépanier, the Director of the Office of Francophone and Francophiles Affairs at Simon Fraser University adds:

The introduction of this curriculum places French on an equal footing with other languages, regardless of its stature as an official language in Canada, and gives school districts wide options in choosing which language they can offer.

This could seriously erode the presence of French in the B.C. school system. My question to the leader is:

[Translation]

The federal government has a duty to ensure that children in British Columbia have the right to be educated in their first official language. Would the Leader of the Government agree that the federal government has a role to play in promoting and developing the Francophonie in British Columbia?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. Obviously, Senator Jaffer is referring to a situation that has something to do with the Government of British Columbia. I support training in both official languages. The Minister of Heritage, the Honourable

James Moore, is fluently bilingual as a result of his attendance in school in British Columbia where he learned to speak the other official language. The government's support of official languages is clearly demonstrated, and we fully support Canada's linguistic duality and the Official Languages Act. Our support is underscored by the fact that we have invested an unprecedented amount of money in the Official Languages Program and made a five-year commitment known as the *Roadmap for Canada's Linguistic Duality*. Today, over 71 per cent of the commitments we made in that roadmap have been confirmed and funded to the tune of over \$792 million.

Honourable senators, in answer to Senator Jaffer's question, the government fully supports and our actions prove that we fully support Canada's linguistic duality and the Official Languages Act.

**Senator Jaffer:** Honourable senators, I thank the leader for her response. I am from British Columbia, and proud of the achievements of the Minister of Heritage. However, we need many more ministers from that province who speak both official languages. We must ensure that French is offered as a very strong language in my province.

Honourable senators, I ask the leader what role she sees the federal government playing in ensuring that French is not part of all the languages that are offered but is offered as a very important part. English and French should be offered to every child. That should be our aim, and then we should offer other languages.

**Senator LeBreton:** I thank the honourable senator for the question. I believe I have made our commitment to Canada's official languages and linguistic duality very clear. I must confess that I am not aware of the particular report that the honourable senator cites. I could be wrong, but it sounds like it is something that was generated by the Government of British Columbia.

Honourable senators, my son lives in British Columbia, and I am fully aware that many languages are being taught in schools to reflect the demographic of British Columbia writ large, and also the demographic of the city of Vancouver and environs.

The government is fully committed to our linguistic duality and the Official Languages Act. I will, though, refer the honourable senator's comments and questions to my colleague Minister Moore and ask that he enlighten me further on the topic to which the honourable senator referred. I will be happy to table a written response when we return next week.

## FOREIGN AFFAIRS

### PASSPORT APPLICATIONS IN PRINCE EDWARD ISLAND—SERVICE CANADA

**Hon. Catherine S. Callbeck:** Honourable senators, my question is to the Leader of the Government in the Senate. Recently, Minister Shea announced expanded passport services in my province of Prince Edward Island, and certainly, I welcome that announcement. However, the only change is that the staff at some Service Canada locations will be able to review and validate that the applicant has provided acceptable proof of Canadian

citizenship. That means that the applicant no longer has to include his or her birth certificate or previous passport along with the application.

Honourable senators, I am happy that the government has made this improvement, but it has not corrected the major problem of passports in Prince Edward Island, which is that we have to travel to Halifax or to Fredericton, to obtain an urgent or express passport. We have to travel outside of the province to obtain a passport.

I ask the leader why does the government not go one step further and train some staff at some of the Service Canada centres to provide urgent or express passport service in our province?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, one of our government's many successes has been resolving the passport issue. You will recall the border thickening with the United States and the need for passports, and there were huge line-ups. The government stepped in and took proper measures and changed some of the requirements for renewing passports. It is easier now to renew a passport as Canadians with a passport no longer have to go through the guarantor process.

I am aware of my colleague's announcement, honourable senators. There are instances when people, hopefully not many, are in need of an emergency passport.

• (1430)

The honourable senator posed more of a suggestion than a question. I will be very happy to pass on the suggestion that Service Canada people be in a position to provide the service that she suggests.

**Senator Callbeck:** I thank the leader. All Islanders welcome any improvements that are made to the passport service. However, it seems to me that if staff at Service Canada are now authorized to validate the proof of citizenship and to review the applications to ensure that they have been completed properly, then the government should be able to train some people at the service centre so that they can accept emergency or urgent passport applications.

The leader said that she would look into it. Would she find out whether or not the government has investigated any ways to provide this passport service so we can obtain emergency and urgent passports and people do not have to go outside the province to get them?

I was involved in getting an emergency passport for someone whose husband had an accident in the United States and was in the hospital on life support. I can tell honourable senators about the hoops that we had to go through to try to get that passport. That is one of the reasons I would like to see this service on Prince Edward Island.

**Senator LeBreton:** I thank the honourable senator for the question. Coincidentally, she is asking her question on the very day we will table a long response to the previous question she

posed. We did, in fact, expand passport services at Summerside, O'Leary, Montague, and Souris, Prince Edward Island Service Canada centres. It is a long answer. I will not read it into the record because it will be delivered to the honourable senator shortly.

As I said in my earlier response, I will bring her concerns about emergency passports to the attention of the minister.

**Hon. Percy E. Downe:** Honourable senators, I am sure the minister did not want to leave the impression in the answer she gave to Senator Callbeck that passport services are now available in those communities she named. In Prince Edward Island, once every nine or ten months, there is a half-day session in those areas for people who can go to where the sessions are to get that service. However, as Senator Callbeck indicated, for most Islanders, there is a cost to go to Halifax because, unlike other Canadians, we have to pay \$47.25 to go across the bridge just to leave the province, and then there are additional costs for travel and so on.

A woman called me recently. Her daughter won a regional swimming meet, and they were then going to a competition in the United States. The daughter had no passport. The mother asked me whether that meant she had to go to Halifax, drop the documents off, return home, make another trip back to Halifax to pick up the documents, and incur that additional cost that no other Canadian has to assume.

Could the minister advise whether that is fair for Prince Edward Islanders?

**Senator LeBreton:** I do not know whether it is proper to read this answer into the record, so I will let my colleague table the answer to the question under Delayed Answers.

It does not matter how good a service is and no matter what part of the country it is in. A situation will always develop where someone will need a service that is not readily available. We do everything we can to accommodate people.

As I have said to Senator Callbeck, I will be very happy to take the honourable senator's concerns expressed on behalf of Islanders to my colleague and, when Parliament returns next week, I hope to have an answer.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to present delayed answers to two oral questions: the first was raised by Senator Callbeck on February 15, 2011, concerning Foreign Affairs and International Trade, Passport Canada — access to passports in Prince Edward Island, and the second was raised by Senator Downe on February 15, 2011, concerning Foreign Affairs — the validity period of the passport.



## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### PASSPORT CANADA—ACCESS TO PASSPORTS IN PRINCE EDWARD ISLAND

*(Response to question raised by Hon. Catherine S. Callbeck on February 15, 2011)*

Passport Canada is a special operating agency that functions on a 100 per cent cost-recovery basis; financed by the fees paid by Canadian passport applicants and not by federal tax revenues.

Passport Canada prudently manages its funds to deliver services as cost-effectively as possible, while maintaining our excellent turnaround times and preserving the integrity and international reputation of the Canadian passport.

While we aim to provide access to passport services across Canada and to keep the cost of passports as low as possible, it is not cost effective to open Passport Canada offices in regions where demand for service cannot sustain the operating costs. This is the case for Prince Edward Island, where there is a small demand for urgent passport services.

A key element to Passport Canada's service strategy is the delivery of passport application services through partnerships with receiving agents, which gives Canadians access to a much broader network of service points in urban, rural and northern areas. There are over 230 passport service points across Canada, including 144 Service Canada offices, 56 designated Canada Post outlets and 34 Passport Canada issuing offices.

As of January 17, 2011, residents of Prince Edward Island have access to expanded passport services at the Summerside, O'Leary, Montague and Souris Service Canada centres. In addition to receiving standard passport applications, Service Canada personnel in PEI are able to review and validate that the applicant has provided an acceptable proof of Canadian citizenship document to support the passport application. This validation will enable the applicant to retain his/her original proof of citizenship document.

Canadians in other areas face similar situations to PEI residents of having to travel some distance to access urgent and express passport service. For this reason, Passport Canada encourages those who anticipate future travel to retain a valid passport and recommends that Canadians initiate the passport application process as soon as they intend to travel to ensure that the proper documentation is obtained in time for a trip abroad.

### PASSPORT CANADA— THE VALIDITY PERIOD OF THE PASSPORT

*(Response to question raised by Hon. Percy E. Downe on February 15, 2011)*

In its 2008 budget, the Government of Canada announced that electronic passports, or ePassports, would be introduced to comply with the latest international norms

established for secure travel documents and to help fight passport fraud and forgery. The ePassport will provide even greater protection against fraudulent use and tampering than the current generation of machine-readable passports. It will also reduce the risk of illegal migration and identity fraud.

The ePassport will have an electronic chip embedded in the book on which the passport holder's identifying information and photograph from page two are repeated. The government also announced that, with the adoption of the ePassport, Passport Canada will start offering adult applicants the option of a 10-year validity period as well as the current 5-year validity period. The validity period of children's passports, however, will never exceed five years. The adoption of the 10-year ePassport is scheduled for late 2012.

[English]

## CANADIAN HUMAN RIGHTS COMMISSION

### 2010 ANNUAL REPORT TABLED

Leave having been given to revert to Tabling of Documents:

**The Hon. the Speaker:** Honourable senators, I have the honour to table the 2010 annual report from the Canadian Human Rights Commission, pursuant to section 61 of the Canadian Human Rights Act, and section 32 of the Employment Equity Act.

## ORDERS OF THE DAY

### CANADIAN FORCES MEMBERS AND VETERANS RE-ESTABLISHMENT AND COMPENSATION ACT PENSION ACT

#### BILL TO AMEND—THIRD READING

**Hon. Donald Neil Plett** moved third reading of Bill C-55, An Act to amend the Canadian Forces Members and Veterans Re-establishment and Compensation Act and the Pension Act.

**The Hon. the Speaker:** Is there further debate at third reading on Bill C-55?

**Hon. Grant Mitchell:** Honourable senators, it is with a good deal of pleasure, but not entirely, that I stand to speak to Bill C-55. It is a pleasure in that at least something is being done on this very important file, but a disappointment in that it has taken an awfully long time to get something done and because so much more needs to be done.

It is not simply me, as a senator, saying that.

There was a great deal of witness testimony and input from veterans and others, and veterans' representatives, witnesses whom we heard yesterday, who made those points over and over again. It is a step, it is a start, but it is not enough, and it is was too long in coming.

The question of delay emerges from that statement, that it was too long in coming. I want to make a point, for the record, that it is interesting that the minister would have commenced his contact with the committee on this issue with a letter that somehow blamed senators, and it said Liberal senators, for delaying this bill.

First, let me just point out that this bill was announced in September 2010 by the minister. It was presented to the House of Commons two months later, in November 2010. It did not reach committee in the House of Commons until March 7, 2011. It got to us on March 21. That was Monday. Today is Thursday, this year, the same week, and we are going to pass it — I think I can say that and I am certainly voting for it — this afternoon. Who exactly delayed this bill?

It is interesting and unfortunate that this government continues to use issues like this and groups like the veterans, who deserve far better, for political leverage to make points that are nothing but spin and, of course, are — I am not going to use the L-word — incorrect, misleading and unnecessary spin.

• (1440)

[Translation]

Government representatives have said that they wanted to see the bill passed without delay, today if possible, and would skip the in-depth study and closer second look. Since the government seems to be anticipating an election shortly, I can understand the urgency. Nonetheless, the way this bill had been managed in Parliament makes me think of a student who waits until the night before his project is due to start working on it and then has to work like crazy to produce a result that will get him a C+, if he is lucky.

Honourable senators, I cannot help but wonder whether the services we are offering our veterans are living up to the service they have provided us.

[English]

The fact of the matter is that this government is quick to buy the jets and has been slow to help the vets. This kind of initiative did not become a priority for the government until two things happened. One, Colonel Stogran became vocal about his dismay. He was the former Veterans Ombudsman. He said, among other things, "It is beyond my comprehension how the system could knowingly deny so many of our veterans the services and benefits that the people and the Government of Canada recognized a long, long time ago as being their obligation to provide."

Imagine this, honourable senators. Canadian veterans had to demonstrate in the streets of this country, in front of the offices of Conservative members of Parliament, to attract the attention of this government to do something at this late date.

It brings me to the first substantive point in this bill, that the government made much of this change to the Earnings Loss Benefit:

The government tabled legislation in November 2010 to increase the benefit to ensure a minimum annual pre-tax income of approximately \$40,000.

These are their words. That was, of course, wonderful news, and I think many of us were happy that the government was finally addressing these shortcomings in a system that chains certain veterans to a bleak financial existence.

I was happy until I read the bill and began to think about it. Honourable senators, this bill, that statement about bringing the Earnings Loss Benefit up to \$40,000 minimum per year and having to have this legislation to do it is more hype.

The government, the minister and officials yesterday on his behalf admitted specifically that the minister had the power to increase that minimum from 75 per cent of whatever it was that the military personnel had been earning to a minimum of \$40,000. He had the power to increase that minimum under the regulations, the legislation already in place.

The minister could have increased the minimum five years ago. This government took five years and wasted time while they were spending millions of dollars to evaluate, commit to and sell the purchase of \$30 billion worth of jets. The government waited five years to increase a basic minimum for our veterans who have been grievously wounded and damaged in many ways, psychologically and physically. It took the government five years to increase the minimum, and to add insult to injury, they said that they could not do it until they passed this piece of legislation. Of course, they could have done it before they had this piece of legislation.

The second disappointment on this particular feature was pointed out by General Sharpe and we found that family life was almost always negatively affected by an injured parent's symptoms of anger and depression others. General Sharpe is an adamant spokesperson for veterans and has had a distinguished military career on behalf of Canada and Canadians. He said that rather than have this minimum be the lesser of 75 per cent of earnings or \$40,000, it should be the greater of 100 per cent of earnings or \$40,000. This is a fundamentally important difference.

Why should someone who has been hurt in service of Canada and Canadians take a 25-per-cent pay cut? Any of us in this house would find this pay cut, if not catastrophic — I know Senator Smith had a catastrophic pay cut — difficult to accept. However, we did that under this program to our injured, wounded soldiers and other military personnel, such as air people and the like.

Another implication of this Earnings Loss Benefit that General Sharpe and others noted, was that a military career would be cut short by grievous injury that ultimately would see that individual leaving the military and leaving the future opportunities for promotion, progression and for the increased earnings that come.

Here is an example of how significant that impact can be. Let us say a soldier was earning \$80,000 and was grievously injured. The soldier receives 75 per cent of their earnings. That would be \$60,000, or a 20-per-cent reduction. The soldier was 28 or 30 years



old and would have been in the military for another 20 years. Even if that soldier had not received a single promotion, even if that soldier had not received a single increase of any kind, that soldier would have earned \$20,000 a year more for 20 years, which is \$400,000. That soldier who lost two limbs, perhaps three limbs, lost \$400,000 because of this funding formula.

Let us assume that the soldier would have remained in the military, became a lieutenant or captain at age 28 or 30 earning \$80,000, and by the time that person retired, was a senior officer earning \$120,000. The average over that 20-year period would be \$100,000, which would be \$40,000 a year more than the soldier would have received under this particular program. Over 20 years, that amount becomes \$800,000. This program has cost that person \$800,000 that they would otherwise have had. This program has cost this military personnel — this person that we hear the minister, the Prime Minister and all of us speak so highly of, for the dedication, service and sacrifice they have made for Canada, for Canadians, for other people, for freedom around the world and for that lofty, important, ideal freedom — \$800,000 that they would otherwise have had.

I know you are smiling, but it is a serious matter if you are the one that loses two legs doing what your country has asked you to do, senator

The second question is —

**An Hon. Senator:** Oh, oh.

**Senator Mitchell:** I think you should watch that because it is a very serious matter.

A third point on this benefit is whether it should be retroactive. The honourable senator vaunts his government's commitment to veterans over and over again with words, and does not back it up where it counts. Those people suffered grievously because the government did not fulfill its promise and did not fulfill its spin. It is spin to the government and it is their life to them.

Then there is the question of whether this legislation should be retroactive because, of course, military personnel have begun to receive this benefit at lower levels than \$40,000 in the past. We have been in Afghanistan for a long time. The question is, should the benefit be retroactive? Of course it should be retroactive. Personnel should not be disadvantaged in the receipt of these funds only because of date of injury.

**An Hon Senator:** Oh, oh.

**Senator Mitchell:** More spin.

The government's official news release for Bill C-55 also informs the public that the bill will increase the permanent impairment allowance, which is a monthly benefit between \$12,000 to \$18,000 now, payable for life to compensate for lost job opportunities as a result of permanent and severe impairment. That allowance will increase by \$1,000 per month, so an injured person could receive as much as \$30,000 a year. That increase would be helpful, honourable senators can imagine.

However, the problem is while the government hypes this allowance to say it will benefit 3,500 personnel, right now only 20 people receive it. How do we get from 20 to 3,500? Not very

easily, honourable senators, because it is very, very difficult to qualify for this money. The government is hyping this, raising people's expectations, many of whom are in desperate psychological straits because of their injuries, and they will read this and then find out that it is not so simple to get that money.

• (1450)

Honourable senators, the question of 3,500 is interesting. If there really are 3,500 people already injured, why are they not on this? Have they been languishing for five years while this government has taken all that time not fulfilling its responsibility to these people, even though it takes credit over and over again for being great supporters of veterans — verbally, but not with their actions or their money — or are they anticipating far more injuries in the future? We hope that is not the case.

Honourable senators, perhaps it is that they have allowed 3,500 people, or as many as, to languish for five years because they have not gotten around to increasing this because they say they did not have legislation. They could have brought in legislation five years ago, but they did not have to because they had the power to regulate anyway.

Sometimes one asks the question, what does the emperor look like with no clothes? Honourable senators, just look at this government and you can tell.

**An Hon. Senator:** Not very pretty.

[Translation]

**Senator Mitchell:** In press releases and public speeches, government representatives have also boasted about the monetary advantages for veterans stemming from these changes. Our veterans would be receiving an additional \$2 billion.

[English]

This is another hype and spin that raises expectations that simply cannot be fulfilled or met by anything like what is found in this bill.

Honourable senators, the government says that this program will give an additional \$2 billion to veterans, a fine sum of money, a significant sum of money that would probably genuinely, if it were true, enhance the livelihood or the quality of life of many, many veterans who have suffered injury.

Of course, let us look at that number. The minister yesterday pointed out that over the next five years it will result in an extra \$200 million. If it takes five years to spend \$200 million in this program, it takes 50 years to spend \$2 billion in this program. They are hyping a \$2 billion commitment over 50 years. Do honourable senators know what the present value of \$2 billion is over 50 years? Honourable senators, it is a heck of a lot less than \$2 billion. Again, this is a betrayal of the good faith and the sensitivities of our wounded veterans. This is hype that this program cannot fulfill and it builds hype upon hype, upon hype. The only people who might significantly benefit from that hype are Conservatives running for office, benefiting from political hype at the expense of veterans.

**An Hon. Senator:** It is embarrassing.

**Senator Mitchell:** It is embarrassing, it absolutely is embarrassing.

Finally, this bill is not as remarkable for what it contains as for what it does not contain. We have heard many veterans, veterans' representatives and witnesses speak of what is not in the bill and what this bill needs.

Honourable senators, I would like to acknowledge the work of Senator Pépin, our colleague — who, very unfortunately, may be sitting in this Senate for the last two days of her tenure here in the Senate.

**Some Hon. Senators:** Hear, hear!

**Senator Mitchell:** Most particularly, I want to acknowledge Senator Pépin in this context, for her work in support of military families. There is still so much work to be done, however. The families of injured veterans have a great deal of very special needs that are not being adequately met. They are not addressed or met in any way, shape or form in this piece of legislation.

I want to underline that we have heard from many people the idea of increasing the minimum under the Earnings Loss Benefits from 75 per cent to 100 per cent of what the veteran was earning. It is very important that they receive a proper, equitable payment that reflects what they had been earning and what the progression of their earnings might otherwise have been. There is also another issue, and that is the comparison between what our military personnel get for an injury of a certain kind and what a public servant in Ottawa would get for the same or lesser injury.

Honourable senators, there is evidence that a public servant working in Ottawa on the job who rolls a government vehicle and loses a leg, is entitled to about \$350,000 in lump sum grant. However, military personnel driving in a truck in Afghanistan who loses two legs and an arm would get a maximum of \$270,000. That is a difference of \$80,000.

**An Hon. Senator:** Shame.

**Senator Mitchell:** It is a shame. One can only question why that is.

There is also evidence — and we are having it documented from witnesses, before the Subcommittee on Veterans Affairs — of, for example, other countries like Australia that give considerably more for these kinds of injuries than our soldiers receive. Testimony yesterday underlined the fact that the program that the soldiers are on excludes them from the possibility of doing what you can do in private life in Canada, and that is suing for a settlement that is consistently in the order of \$350,000 in the courts for these kinds of injuries where liability is incurred and at stake.

I would like to emphasize input that I have received — and many of us have — from Sean Bruyea, who is a journalist and advocate for disabled veterans and their families. He has suffered a great deal in his own life as a result of injuries incurred during his service in the Canadian Forces.

Mr. Bruyea makes the points that I want to accord to him, and I honour his efforts by mentioning them on the record. He thinks the Earnings Loss Benefits should be calculated to match current National Defence pay scales, which is, in effect, saying go from 75 per cent to 100 per cent of earnings. The Earnings Loss Benefits should be calculated to increase with normal career progression for each veteran who is unable to work.

Honourable senators, this emphasizes a point made by a number of presenters, including General Sharpe who wants the Pensioners Training Regulations to be amended to include all CF veterans, and amounts of benefits to be updated to reflect modern costs. General Sharpe would like to look at the kinds of post-secondary — college, university, undergraduate and post-graduate — program supports that World War II veterans received, and that American GI veterans receive now, but which the veterans of our Canadian Forces simply do not. General Sharpe laments the fact that, as in previous cases of rushed legislation, veterans feel that they have not had due process. He feels that veterans have not had a chance to present before our committee, for example, in the kind of detail that they feel that they deserve, and any reasonable person observing the process would feel they deserve as well.

Honourable senators, again we were driven by the minister, who would not give us even four days to take this bill through our processes, without accusing us of delay, after five years when he could have done something. Six months or seven months after it was presented to the public as an initiative that would be presented by government to the House of Commons, and here we are being pressed again to rush this through when it is a start but it is not adequate. It is not enough. It is filled with gaps. It does not meet the needs of these veterans and their families.

Honourable senators, perhaps the greatest indignity is that they have not had due process before these institutions, which reflect the very freedom that they fought for and were injured for, and have much of the rest of their life diminished because of, and this government has waited all this time. They have let them down in a way that is unforgivable.

**The Hon. the Speaker *pro tempore*:** Further debate?

**Hon. Joseph A. Day:** Honourable senators, I would like to add a few words to those already spoken with respect to Bill C-55.

To begin, let me confess that I did not attend the clause-by-clause or hearings yesterday with respect to this bill. The reason for that was we were meeting out of our normal time and I had other responsibilities, trying to ensure that the supply bills and the reports leading up to them for government fiscal operations for the coming year were properly in order, along with Deputy Chair Senator Gerstein.

• (1500)

First, honourable senators, this situation points out one of the difficulties in dealing with committee work when we change the allotted times for committees. Honourable senators plan their time and their work around the allotted times, and when those time slots are changed, it is not always possible to meet at those other times. That was my situation yesterday, and I regret not being able to participate in Bill C-55 deliberations.



Since my arrival here several years ago, I have followed, supported and tried to stay on top of veterans issues, and I think we have had some success on a number of matters I have been involved with. To see this piece of legislation being dealt with in this matter, without having the opportunity to participate, is a matter of considerable disappointment to me.

The other matter with respect to the meeting yesterday that I will point out, from a process point of view, is that if the meeting had gone on for more than one day, obviously I would have been able to participate; however, it did not.

Second, we have a tradition in this place and in our committees that when we have witnesses on a matter, we give honourable senators an opportunity to consider the evidence that was given by those witnesses, and we do not proceed in an unseemly fashion to clause-by-clause consideration immediately after hearing from the witnesses. That act tells the witnesses that we do not give a damn about what they had to say. That is, in effect, what was going on, honourable senators. I find it disappointing that clause-by-clause consideration proceeded so quickly, without even a break after hearing from the witnesses.

I will talk about the witnesses in a minute. First, let me talk about some of the issues I am able to talk about, even though I did not participate.

One issue is with respect to the title. Honourable senators, as pointed out by Senator Dallaire during second reading, the short title, in clause 1, reads: "This Act may be cited as the Enhanced New Veterans Charter Act." The phrase "Enhanced New Veterans Charter Act" is, at the least, misleading, because the act makes only a few adjustments to the New Veterans Charter. I suggest, honourable senators, that the word "Enhanced" should not be there. These amendments are to the New Veterans Charter; there are not nearly enough amendments, but they are amendments to the New Veterans Charter. However, the New Veterans Charter is hardly enhanced in the way this bill suggests.

That is my suggestion with respect to the short title. I have made comments with respect to other short titles in the last while. I find it disappointing to see the way short titles are being used in a manner other than for descriptive purposes.

Honourable senators, the next point I wish to make is with respect to another issue that was raised by the Honourable Senator Dallaire. This issue is an oversight by all of us, and I was involved with the New Veterans Charter when it came through. We should have had more emphasis on families in the New Veterans Charter.

I bring to the attention of honourable senators that only today, a report was released by University of New Brunswick researchers, which finds that teens from military families face unique stressors during deployments. This study was done at CFB Gagetown in Oromocto. Virtually all the parents of the high school students in Oromocto are involved in the Armed Forces, and many have deployed. This study suggests that we need to do a lot more work with respect to families and to the bigger family, the children of deployed personnel and military personnel who come back with operational stress injuries.

The study found that students from Oromocto High School who recently had a parent deployed to Afghanistan worried that the parent would either not return home or would return home "different." This is the stress they are going through. They expressed isolation in trying to cope with their problem if the parent remaining at home was stressed or preoccupied with deployment of a spouse.

The researchers found that the psychological stresses continued even after the parent returned, if that parent who had been deployed suffered from any post-traumatic stress.

Deborah Harrison, one of the researchers, stated: "We found that family life was almost always negatively affected by an injured parent's symptoms of anger and depression."

Honourable senators, this whole area is not touched upon by any amendments in Bill C-55. This area needs to be addressed through amendments to the New Veterans Charter to ensure that the charter includes family, spouses, and children. I am disappointed that Bill C-55 does not help us at all in this regard. However, I am pleased with Dr. Harrison's new study, which was released today and will provide more information for all of us in dealing with this matter in the future.

The next point, honourable senators, is somewhat of a procedural matter, and it is with respect to coming into force and the mandatory review in Bill C-55. At first blush, one thinks, that is great; there is a mandatory review by committees after two years.

However, honourable senators, the mandatory review is with respect to this legislation. It is with respect to Bill C-55. It is not with respect to the broader New Veterans Charter. One amendment I would have proposed is to have a broader mandatory review within two years of the New Veterans Charter, not only review of the amendments in Bill C-55. That mandatory review is far too narrow for what needs to be done.

Honourable senators, the next point I want to make reiterates a point made by the Honourable Senator Mitchell. I have a letter of March 23, and goodness knows how broadly it was circulated. It was circulated to every sir and madam in Canada, and there are several. This letter is under the Ministry of Veterans Affairs letterhead, with the Great Seal of Canada on the letterhead, and it is signed by Jean-Pierre Blackburn, P.C., M.P.

The second paragraph reads:

The bill could have been adopted in a day —

This is Bill C-55 he is talking about.

— but following the refusal by Liberal senators to give their unanimous consent to an acceleration of procedure, the committee stage will happen this afternoon. Of course, this delay creates stress for our veterans and their families who are waiting for these measures.

One day. Stress, stress, stress.

Honourable senators, I quickly looked at the history of this particular bill. This bill sat in the House of Commons for 115 days. When the minister wrote this letter and circulated it around Canada, the bill had been in the Senate for two days. Now, honourable senators, that would be almost enough for me to refuse to proceed with this bill immediately. However, I do not want to stress anyone.

• (1510)

The next point that I would make, honourable senators, is on the selection of witnesses. The selection of witnesses is always important to create a balance. However, in this particular instance, the Royal Canadian Legion wrote a letter two weeks before the hearing to say they were supportive of the bill. Mr. Parent, the Veterans Ombudsman, wrote to all of us saying, "Pass this bill." The minister, and his staff who were there, obviously wanted the bill passed.

The only other person who was in any way independent was Brigadier-General Sharpe. We were pleased that he was there, but he was the only other person who attended as a witness who had any sort of objectivity that would help us in assessing this legislation.

Mr. Sean Bruyey, who has been following the issues and has been before our committees on many occasions, has put this in a nutshell. He has followed the procedure so well that it is worth going on the record. Senator Mitchell has, in part, given him credit for his points, but I wanted to do the same. It is important.

I do not want to suggest that the Royal Canadian Legion does not have a role to play here, but the Royal Canadian Legion is only one of a number of advocacy groups. There are many others, such as the Canadian Association of Veterans in United Nations Peacekeeping, the Great War Veterans' Association, and the Canadian Peacekeeping Veterans Association. None of those groups, who are well known to all of us, were invited to come and give their opinion on this particular legislation.

What did Mr. Bruyey say? He said that veterans are saddened that, like Bill C-45 back in 2005, the New Veterans Charter, Bill C-55, will not receive full due parliamentary process. He made some recommendations, however I will not get into the details on them because Senator Mitchell has already made that point.

It is, however, an extremely sad legacy that the Canadian Forces members and veterans are constantly and repeatedly denied full parliamentary due process. I think that, in a nutshell, is what concerns me about the haste with which we dealt with this legislation.

Honourable senators, veterans deserve more. Our veterans deserve to have due process in this place. Our veterans deserve to have the Senate do the job that we are appointed here to do.

**Some Hon. Senators:** Hear, hear!

**Senator Day:** Had I been at the meeting, I would have raised the point with the minister that in Supplementary Estimates (C) there is a major request for additional money, which is an

acknowledgement that they are not handling the requests for disability pension of veterans now. Even without this legislation, there is an acknowledgement in Supplementary Estimates (C) that they are way behind, and that veterans are frustrated because they are not getting their cases heard. There was a major request for more money, a greater appropriation, to handle the backlog in existence now, before Bill C-55 is passed.

What do we know about additional funding for this particular matter? How many veterans will be further frustrated as a result of new legislation that just aggravates the problem already in existence?

Those, honourable senators, are my comments. I will support this legislation because a good number of veterans have indicated that this is a first step. It is a poor step, but it is a step. Therefore, I will support the legislation. However, I am not doing so happily.

**The Hon. the Speaker *pro tempore*:** Further debate? Are honourable senators ready for the question?

**Some Hon. Senators:** Question.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

(Bill read third time and passed, on division.)

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Marshall, for the second reading of Bill C-54, An Act to amend the Criminal Code (sexual offences against children)

**Hon. Larry W. Campbell:** Honourable senators, I rise today to speak to Bill C-54, An Act to amend the Criminal Code (sexual offences against children). This bill, known as the Protecting Children from Sexual Predators Act, seeks to amend the Criminal Code.

Does this bill actually protect children from sexual predators? If so, does it do so in a balanced manner?

Honourable senators, I have to admit to you that I have not had time to properly digest the speeches and all the committee transcripts from the other place, given that we only received the bill on Monday. However, from what I have read, and from my quick reading of the bill, I have the following concerns and questions.

First, this bill seeks to increase or impose mandatory minimum penalties for certain sexual offences with respect to children.



Honourable senators, it seems as though mandatory minimum sentences are the government's only solution to crime in general. It is a one-size-fits-all solution for the Harper government. I have not seen any research that shows that the mandatory minimums imposed in 2005, those that we now propose to increase with Bill C-54, have been effective or not. So what is the government relying on to request these increases? Our committee should hear evidence from the minister and his officials regarding the effectiveness of the current mandatory minimum sentences before agreeing to them.

By way of history, I have some knowledge regarding the investigation and prosecution of crimes as described in this bill. Quite frankly, like you, I am sure, I have no sympathy for those who commit these crimes against one of the most vulnerable populations, our children.

The problem I have is with the idea of mandatory sentencing. If one really believed that mandatory sentences was a deterrent, then the minimum for these offences would be measured in multi-years, not single years. By law, offenders would be put into the general prison population and not protected from others. There would be no glass house. By way of explanation, the term "glass house" refers to area where those who commit crimes against children are held. They spend their time with informants, rapists and other child molesters, and those who face grave danger in the prison population. If this was built into law, those committing the crime would not only be facing a long time in jail, but they would be serving their time with those who consider them less than desirable.

It would be less than true for me not to admit to you that on many occasions an eye for an eye has seemed the proper course for an offender who commits these types of offences. Of course, this is not something suggested in the bill nor, I suspect, would it gain any support from Canadians.

In the course of my work, I have also met with victims and victims' families. I, unfortunately, had some involvement with Clifford Olson. Through that tragic process, I met Gary and Sharon Rosenfeldt. Through their hard work, the concerns and feelings of victims finally came on to the radar screen. Now it is considered a normal course of events, but at the time this was not a consideration. Senator Boisvenu most certainly knows of what I speak. He has dedicated his life to this very important issue, and I applaud him for that dedication. There is an absolute need to understand the pain and the level of injury perpetrated not only upon the victims but also upon the victims' families.

• (1520)

Honourable senators, there is a further issue pertaining to the mandatory minimum sentences. Senator Runciman referred to statistics concerning charges involving sexual assaults on children. To understand this, I refer you to the speech in the House of Commons by Bob Dechert, Parliamentary Secretary to the Minister of Justice, who said:

In 2008, 80% of all sexual assaults of children reported to police were charged under the general sexual assault offence in section 271 of the Criminal Code, sometimes referred to as a level one sexual assault; 19% were charged under one of

the child specific or other sexual offences, such as for example section 151, sexual interference; and the remaining 1% were charged under the two most serious general sexual assault offences, levels two and three sexual assault, namely sexual assault with a weapon, threats to a third party or causing bodily harm under section 272, and aggravated sexual assault under section 273.

From a sentencing perspective, this means in 81% of all sexual assault cases involving child victims in 2008, there was no mandatory minimum sentence.

Why is that? Why are 80 per cent of offenders not being charged under the existing child specific sections of the Criminal Code that have mandatory minimums attached?

Honourable senators, let me suggest a few possibilities. While it has been many years since I appeared in court — as a witness — there was a theme developing then when it came to prosecutions. We always referred to it as "Let's make a deal" or, in some cases, GOMERing. GOMER is a term used in a book called *The House of God*. It is a novel about a hospital in the United States, and GOMER is an acronym used in the emergency room that stands for "Get Out of My Emergency Room." When a patient came into emergency, you would GOMER the patient. You would GOMER them to neuro, to cardiology or to some other department, but you would get them out of your emergency room. In the case of a prosecution, a plea to a lesser charge would be accepted to make the case go away without trial.

I recognize, possibly as much as most senators, that this is necessary in some cases, for a variety of reasons. Surely, it is not acceptable that 80 per cent of the cases involving child offenders are GOMERed. The prosecutor ultimately makes the decision. That decision also means that the judge hearing the case gets a much-sanitized version of the facts, which again can minimize the severity of the offence.

Honourable senators, the second possibility is that in many cases the police are not trained to deal with cases that are very difficult, heart-rending and sensitive to investigate. How do you question a child? How do you test the information that you receive from a child? How are you able to treat the investigation in a neutral manner given the sometimes-horrendous nature of the offence?

Whenever possible, I tried to have a Crown involved from the outset. This led to a clear and concise investigation that gave the Crown all the evidence they would need, or would give me the direction that I would have to take in my investigation to try to determine whether there was such evidence.

Honourable senators, this bill should not and must not be given short shrift in committee. Like all honourable senators, I understand the fragility of this session. It would, quite frankly, be wrong to rush this bill through committee without full consideration. This appears, on the face of it, to be a serious problem. What is at the root of this 80 per cent phenomenon? Are these provisions not properly drafted? The committee should make it a point to call upon seasoned police officers and Crown and defence attorneys to try to come up with the reason behind this.

Finally, Bill C-54 was not on the list of bills on which the Liberals in the House of Commons asked for costing details. From my point of view, the cost to deal with this issue is a side issue and is not important. However, it is one that must be considered in the overall costing when dealing with the penal system, the justice system and policing costs. I sincerely hope that given recent developments, once asked, the answers will be forthcoming.

Honourable senators, there can be no question that the safety of our children is first and foremost in our minds. Bill C-54 needs to be properly studied in order to ensure that the children are being protected and that the bill is effective in achieving what is set out within it.

I look forward to the findings of the Standing Senate Committee on Legal and Constitutional Affairs.

**The Hon. the Speaker:** Are honourable senators ready for the question?

**An Hon. Senator:** Question.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

**The Hon. the Speaker:** When shall this bill be read the third time?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, at the next sitting.

**Hon. James S. Cowan (Leader of the Opposition):** Your Honour, the normal practice is that a bill is referred to a committee. Did I mishear Senator Comeau, or was he suggesting that we will not proceed to send this bill to committee?

**Senator Comeau:** Your Honour, this is not debatable, and we will have to proceed to the vote quite soon, but if the chamber will give me permission, it is my understanding that there will be an election called tomorrow.

**An Hon. Senator:** Tomorrow?

**Senator Comeau:** Yes, as I understand it, the coalition will be calling an election tomorrow. Therefore, we would like to do everything possible to get this bill through in order to protect Canadian children from sexual predators.

**Senator Cowan:** Was Senator Comeau listening to Senator Campbell? The honourable senator raised some serious questions and asked that the committee consider the matter. Surely that is a reasonable thing to do. That is our practice.

Honourable senators, I think it is astounding that the Deputy Leader of the Government would suggest that we make this kind of a change to our criminal justice system without giving our committee an opportunity to hold hearings on it.

**Senator Comeau:** Honourable senators, during a discussion I had with my counterparts this morning I asked that we give permission to the Standing Senate Committee on Legal and Constitutional Affairs to deal with this issue at committee later this day while the Senate was sitting. I was told that this was not possible. Without permission from the other side of the chamber, the bill must be held off until tomorrow, and the committee does not have the right to sit on Friday. Therefore, this bill would die after being referred to committee.

Unless the honourable leader on the other side wishes to offer that we refer this matter to committee today and ask the committee to report tomorrow at the latest —

**An Hon. Senator:** No.

**Senator Comeau:** There you go. You are saying “no” again. How can that be?

Honourable senators, we are willing to send this bill to committee today with the provision that a report be submitted to this chamber tomorrow, which would give this bill the chance to get through. If we proceed to send this bill to committee with no chance whatsoever of it going anywhere, the bill will die. Under my proposal, there is at least a chance of getting this bill through.

Although we are currently speaking on this matter, I understand that this motion is not debateable and not amendable.

• (1530)

**Hon. Lowell Murray:** Honourable senators, first of all, in my observation, negotiations on house business between the parties almost never succeed when they are conducted on the floor of the house. Sometimes, negotiations have a chance of success if they are conducted privately and the results are reported to us later. As an independent senator, I almost always would go along with any arrangement that is agreed to by the two parties.

Secondly, however, I want to be clear as to the position of a possible dissolution. We are told there will be a vote of confidence voted on in the other place tomorrow at 1:30 p.m. My friend talks about an election call tomorrow. He probably knows more of the Prime Minister's intention than I do. However, the vote does not dissolve Parliament. The vote does not issue a writ for an election. The vote is held and we can continue to meet, as can the House of Commons, until such time as the writs of dissolution and election are issued from Rideau Hall after a visit by the Prime Minister. Regardless of the vote tomorrow, we could continue until our normal adjournment hour. So could the committee, if we so desired.

My final statement is with regard to proceeding with this bill. I do not have a strong opinion as to what the procedure should be. I simply want to say to the two leaders that, if we are making arrangements to fast-track a bill, please note that there is at least one other bill that is close to the heart of a number of us in this place. We believe that bill can and should be fast-tracked before any dissolution.



**Senator Comeau:** I always enjoy listening to Senator Murray provide advice on how we should conduct our business on this side. I assume that he had a much better way of doing it. I accept that.

However, I think Senator Murray will remember a time when he was sitting on this side of the chamber some years ago. He made a great distinction between government bills and private members' bills. I do not want to pontificate. However, under our competent system of government, the government of the day goes back to the electorate and accounts for the bills that it proposed as a government. Private members' bills are an entirely different matter. Therefore, we attach, on this side of the chamber, a huge amount of significance to the difference between a private bill brought in by private members and those brought in by the government because who will be held responsible if a majority house, made up of the losing parties, starts passing bills that the government has to go to the electorate to defend? The government cannot defend the bills because they are not their bills. This morning at the meeting, I was not able to arrange how we would proceed with this bill expeditiously. We did not receive permission for the Standing Senate Committee on Legal and Constitutional Affairs to sit. Therefore, the bill was effectively dead.

**Senator Cowan:** The Deputy Leader of the Government started his comments by saying that the motion is neither debatable nor adjournable. Then, he proceeds to debate it. It is important to recognize that this bill was introduced in the other place in November. If it was so important to this government that we absolutely had to get it out of the way, why has it been on the other side for 50 sitting days. It arrived in the Senate on Monday of this week. Now, they are complaining about this matter being delayed. That is unconscionable. This is not a case where we need to abrogate our well-established procedures. We passed this bill in principle. We are not obstructing. However, we have to insist that a bill of this magnitude, with the kinds of concerns that my colleague Senator Campbell has expressed, must be referred to committee for an opportunity to give it due consideration. To suggest that, on this kind of short notice, the committee could cobble together any kind of objective or balanced consideration is simply unrealistic.

This is not the opposition's doing. This is the government's doing, or lack of doing.

**Senator Campbell:** Honourable senators, I cannot agree with what is going on here. I did not have to speak today. I did not have the opportunity to gather all the documentation together. I received this bill on Tuesday. However, I chose to speak today because I thought it was the right thing to do. I thought that it would help us send this bill to committee tomorrow, or whenever.

We do the right thing. When we try to do things in a proper manner, we find ourselves up against the wall. I simply could have not shown up today and had someone take the adjournment in my name. I could show up tomorrow or not show up. However, I chose not to do that. I find the manner in which we are dealing with a tremendously important bill is unseemly. It is not in keeping with the traditions that we should have in this place. I truly regret that.

**Hon. Joan Fraser:** I will add my voice to that of Senator Cowan and Senator Campbell. We are witnessing a parliamentary outrage, Your Honour. This is an important bill, with serious

ramifications for real human beings. Yesterday, after Senator Runciman's address on this bill at second reading, I raised only two of those questions that occurred to me: Would two 15 year-olds who had sex with each other be sent, under a mandatory minimum, to jail? Or, would someone who got drunk and stole a kiss at a Christmas party face a mandatory minimum term of imprisonment?

Senator Campbell, who has vast and unhappy experience in this area, has raised profoundly serious questions. The Standing Senate Committee on Legal and Constitutional Affairs could not possibly have prepared for this bill by doing pre-study because that committee has been working overtime to deal with other criminal justice bills.

We have produced four of those bills for third reading in the Senate after detailed study of each of them. Most of them are complicated. There has been more than ample evidence of that committee's willingness to do its work. However, there is no way that the committee or the Senate as a whole could possibly understand the full consequences and ramifications of this bill on the travesty of a timetable laid out by the Deputy Leader of the Government.

We know they have the numbers. However, if they adopt this outrageous suggestion, why have Parliament? Why bother? It will be a scandal and a shame upon all of us.

• (1540)

**Hon. Jane Cordy:** Your Honour, in yesterday's *Debates of the Senate*, Senator Fraser asked Senator Runciman a question and the answer to her question was:

That is an interesting question and I am sure we will pursue it at committee.

Those of us on this side took Senator Runciman at his word that this is what would happen and that the bill would go to committee, where questions such as the ones raised by Senator Fraser yesterday and the ones raised by Senator Campbell today would be discussed openly and honestly at the committee level.

Senator Campbell stood and gave his speech today. We assumed that the bill would go to committee; and to hear that the other side, which has the numbers and can do whatever they please, are set to obstruct justice within the chamber is truly unfortunate.

**Hon. A. Raynell Andreychuk:** Honourable senators, I am rising not to deal particularly with this piece of legislation, but since Senator Murray stood up, I find it disappointing that some of the mood of the other place is coming into the Senate.

We have been put under pressure. I have been here 18 years and we have always been put under pressure on bills that languished in the House of Commons and are brought here at the eleventh hour because of deals on the other side. I sat 13 years in the opposition, in the same position that the opposition is in now, when leaders told me that this bill is important, children's lives are at stake, pass it today.

The rebuttal was, let us study the bill to be sure there are no unintended consequences, that we do due diligence and we act like a Senate should. However, I was told it was so important that I should pass it and I was outnumbered.

I have sat on both sides. Surely the tone in this place should be that we understand that the pressure comes from the other side. When we say that we are being placed outrageously in this position, I made those same comments, Senator Fraser, when I sat on your side. With respect, it is difficult; we have to make judgment calls as to whether this bill should be passed in haste — and hopefully it serves the purposes the government wants — or we take the time and the chance that it may fail and it may prejudice some children.

I think if we say that it is due to the actions of either our side or your side, it will be difficult to manage affairs here. We know where the pressure comes from. We do the best we can. I have every respect for all the senators on the other side, as I am sure senators on the other side have for this side, so I hope we follow our procedures because that is all we have.

There is an adjournment motion. His Honour can rule the motion out of order or we can proceed with the adjournment, which there should have been no debate on.

**The Hon. the Speaker:** Honourable senators, the Speaker is responsible only for proper procedure in the chamber and makes no comment on the substance of a bill. Should I wish to make a comment on the substance of a bill, fortunately, in the Senate of Canada, the Speaker has a desk to which he or she could go to express substantive views.

The motion is perfectly in order. I have no alternative but to put the question. I hesitate to go beyond that responsibility in making suggestions for things like the Committee of the Whole or anything like that.

I will put the question. It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Andreychuk, that this bill be given third reading at the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** Will those in favour of the motion please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those opposed please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the “yeas” have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Call in the senators. Do the chief whips have advice? If there is no agreement, it is a one-hour bell. The vote will take place at 4:40 p.m.

Do I have permission to leave the chair?

**Hon. Senators:** Agreed.

• (1640)

Motion agreed to, bill read third time and passed on the following division:

#### YEAS THE HONOURABLE SENATORS

|                  |               |
|------------------|---------------|
| Andreychuk       | MacDonald     |
| Ataullahjan      | Manning       |
| Boisvenu         | Marshall      |
| Braley           | Martin        |
| Brazeau          | Meredith      |
| Brown            | Mockler       |
| Carignan         | Nancy Ruth    |
| Champagne        | Neufeld       |
| Cochrane         | Nolin         |
| Comeau           | Ogilvie       |
| Cools            | Oliver        |
| Demers           | Patterson     |
| Di Nino          | Plett         |
| Duffy            | Raine         |
| Eaton            | Rivard        |
| Finley           | Runciman      |
| Fortin-Duplessis | Segal         |
| Gerstein         | Seidman       |
| Greene           | Stewart Olsen |
| Housakos         | Tkachuk       |
| Lang             | Wallace       |
| LeBreton         | Wallin—44     |

#### NAYS THE HONOURABLE SENATORS

|          |                          |
|----------|--------------------------|
| Banks    | Joyal                    |
| Callbeck | Losier-Cool              |
| Campbell | Lovelace Nicholas        |
| Chaput   | Mercer                   |
| Cordy    | Mitchell                 |
| Cowan    | Moore                    |
| Dallaire | Munson                   |
| Day      | Murray                   |
| De Bané  | Pépin                    |
| Downe    | Peterson                 |
| Dyck     | Poulin                   |
| Eggleton | Robichaud                |
| Fraser   | Rompkey                  |
| Hubley   | Smith ( <i>Cobourg</i> ) |
| Jaffer   | Tardif—30                |



ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

• (1650)

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

March 24, 2011

Mr. Speaker,

I have the honour to inform you that the Honourable Rosalie Silberman Abella, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 24th day of March, 2011, at 4:02 p.m.

Yours sincerely,

Stephen Wallace

The Honourable  
The Speaker of the Senate  
Ottawa

Bill Assented to Thursday, March 24, 2011:

An Act to amend the Canadian Forces Members and Veterans Re-establishment and Compensation Act and the Pension Act (*Bill C-55, Chapter 12, 2011*)

[English]

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-227, An Act to amend the Canada Elections Act (election expenses).

**Hon. Irving Gerstein:** Honourable senators, it is my honour to speak today on Bill S-227, An Act to amend the Canada Elections Act in relation to election expenses.

First, I want to express my respect and personal admiration for Senator Dawson, the sponsor of this bill. As a long-standing Liberal Party organizer and strategist who was once an

elected member of the other place representing the riding of Louis-Hébert, Senator Dawson brings a particular perspective to issues of party financing.

On the other hand, I believe I can bring to this debate a perspective that is somewhat different from that of my honourable colleague.

I came to the Senate with more than four decades of experience volunteering as a Conservative bagman, a role of which I am very proud. As I stated in my maiden speech in the Senate on January 27, 2009:

Well, I want to tell you that I do not admit to being a bagman; I proclaim it.

I believe that the job of raising funds for the Conservative Party or, for that matter, any party, is both necessary and honourable. Parties require money to operate.

I feel very privileged to follow in the great tradition of other notable party bagmen who have been appointed to this place, including my caucus colleague and dear friend Senator David Angus, my friend, former Liberal Senator Leo Kolber, and the late Liberal Senators John Aird and Jack Godfrey.

I recall fondly that Senator Godfrey and I used to make joint calls to a number of large Canadian corporations, urging them to support the party system that undergirds Canada's parliamentary democracy. Together, we would push the number as high as we could, always with the understanding between ourselves and the donor that 60 per cent would go to the party in power and 40 per cent would go to the party in opposition.

That was a long time ago, honourable senators. In the years since, both of our parties have seen their share of financial ups and downs.

In 1975, the year after Robert Stanfield lost the general election to Pierre Trudeau, the PC Party managed to raise the princely sum of \$1.1 million. The party was on the verge of bankruptcy, and some senior Conservatives suggested this was our only way out.

Honourable senators, no party is immune to such difficulty. The Liberals have survived similar circumstances. I am currently reading a book by former Liberal staffer Brooke Jeffrey, entitled *Divided Loyalties: The Liberal Party of Canada, 1984-2008*.

Page 132 of that book reads as follows, referring to the Liberal Party President Michel Robert:

By 1987, Robert said, the Liberal Party was for all intents and purposes "insolvent." Some believed it was only a matter of time before the party was obliged to close down its national office. . . . By late 1987 there was a serious concern that the party would not be able to finance a national election campaign.

Honourable senators, I can relate to this situation. In 1998, when I returned as Chair of the PC Canada Fund, we owed more than \$10 million. Believe me, honourable senators, it was no fun.

Honourable senators, you may ask what the reminiscences of a bagman like me have to do with Bill S-227. The answer is simple: Bill S-227 is really all about fundraising.

Bill S-227 would include expenditures by political parties during the three months prior to a writ period within each party's election spending limit or cap, even though it is impossible in a minority parliament for any party to know three months in advance when an election will be called. For example, there was no way to predict, on Christmas Eve last year, three months ago today, that the opposition parties would unite to force an election that now seems very likely.

Although Senator Dawson emphasized advertising expenses in his remarks yesterday, it must be noted, honourable senators, that Bill S-227 would in fact apply to a very wide range of activities. Its wording includes all expenses incurred, and I quote:

... to directly promote or oppose a registered party, its leader or a candidate ...

This description could apply not only to paid advertising, but to virtually every activity of every party.

Indeed, honourable senators, these are exactly the same words used in subsection 407(1) of the Canada Elections Act to define the term "election expenses." So this bill would apply to far more than just advertising.

Although expenses incurred within three months before the writ is dropped would count towards a party's spending limit, such expenses would not be eligible for any reimbursement. This, of course, would lead to a drastic reduction in the activities of parties and candidates at any time outside the actual writ period.

Honourable senators, in reality, Bill S-227 would benefit the Liberal Party of Canada by stifling the ability of its rivals to use their money as they see fit between writ periods. Bill S-227 seeks to punish success and reward failure. Yes, honourable senators, as I said before, Bill S-227 is all about party fundraising.

The impetus of this bill becomes obvious when we look at the fundraising numbers for each party. Allow me to provide you with some of those numbers, and not meaning to be presumptuous, I do it just in case any honourable senators may have forgotten the numbers, which are as follows: The NDP raised \$10.1 million. The Conservatives raised \$11 million. The Liberals raised \$17.1 million.

Honourable senators, I am sure you all remember. For those numbers are the total amounts raised by each party — for the year ending December 31, 2003.

Let me emphasize that, for the year ending December 31, 2003, eight years ago, the year the Liberals raised their largest amount ever.

• (1700)

Do you think we would be debating Bill S-227 if those fundraising numbers for December were the numbers for December 31, 2010? Of course not.

I can only assume, were this bill a matter of some high principle dearly held by the Liberal Party, they would surely have introduced it when they were in government, perhaps as part of the new Canada Elections Act they enacted in the year 2000, or maybe as part of the new political financing guidelines contained in Bill C-24 in 2003. For 10 years the Liberals had the parliamentary majority to do what they wanted, but they did not enact the measures proposed in Bill S-227 because the fundraising of the Liberal Party exceeded that of the Conservative Party and its predecessor legacy parties, so it was not to their own partisan advantage at the time.

Now, honourable senators, let me review what has changed since 2003 to provoke the introduction of Bill S-227. The most significant change was Bill C-24, an Act to amend the Canada Elections Act and the Income Tax Act in relation to election financing passed in 2003. Through Bill C-24, the Liberal government of Jean Chrétien banned corporations and unions from donating to registered parties and limited corporate and union donations to candidates to \$1,000. Personal donations to both parties and candidates were limited to \$5,000.

Mr. Chrétien's successor as Liberal leader and Prime Minister, Paul Martin, in his 2009 memoir entitled, *Hell or High Water: My Life in and out of Politics*, stated at page 245 that these new fundraising rules "seemed designed to hobble the Liberal Party." Mr. Martin continued on page 246 by saying that Bill C-24 "might reasonably be interpreted as having been aimed to get at me."

Now, honourable senators, it is difficult for me to assess someone else's motivation, but I sincerely doubt very much that Mr. Chrétien deliberately deprived his own party of future revenues simply to spite his successor.

Honourable senators on the other side surely know far more about this than I, but I surmise Mr. Chrétien may have seen the writing on the wall. He surely knew that as the sponsorship scandal grew, big corporate donations to political parties would be ill regarded by a cynical public, so the Liberal Party's wellspring of big money was about to dry up.

Honourable senators, it appears to me, as a keenly interested but admittedly outside observer, that Mr. Chrétien engineered a fundraising framework that would serve two purposes. First, it would ensure that if the Liberals could not receive big corporate money, no one else could either. Second, it would replace corporate money with another source of funds that also favoured the governing party, namely, a taxpayer-funded subsidy for political parties based on the number of votes each party received in the previous election.

By replacing corporate donations with a per-vote subsidy, Mr. Chrétien cut out the middleman and channelled public money directly to political parties in a way that, at the time, heavily favoured the Liberal Party.

In debate on Bill C-24 in the other place on February 11, 2003, Mr. Chrétien declared that "the direct subsidy to the party will make up for the loss of corporate and trade union contributions." I for one believe that Mr. Chrétien was very sincere. In my view,



he clearly believed that taxpayer money under the new system would make up for the elimination of corporate donations, leaving the Liberal Party no worse off.

Furthermore, it stands to reason that Mr. Chrétien also expected the new system to favour the Liberal Party, as the per-vote subsidy always favours the party in power. That is why, in testifying on April 30, 2003, before the Standing Committee on Procedure and House Affairs of the other place in my capacity as Chair of PC Canada Fund, along with my colleague Senator Mercer, and Mr. Eddie Goldenberg, who I believe was there, I referred to the legislation that created this subsidy, Bill C-24, as the "incumbent protection act."

Honourable senators, the formula for the per-vote subsidy is fundamentally flawed. Each year, each registered federal political party receives a subsidy based on the number of votes it received in the last general election. This is simply not fair. It is not fair because it goes too far toward defining the financial future of a party by looking to its past.

Honourable senators, funding a party's next campaign according to the results of the last election is like getting a mortgage on your next house that is based on the value of your last house. I also told the Procedure and House Affairs Committee of the other place that I believed the per-vote subsidy would crowd out voluntary donations. I believed many Canadians would be less motivated to donate directly to political parties if they were already donating through the tax system. I predicted that the per-vote subsidy would not be an add-on to each party's revenue base but would constitute 85 per cent to 90 per cent of each party's total revenue, hence, in my view, at that time, further guaranteeing the incumbent party an unfair advantage over the opposition parties.

Honourable senators, I must admit that time has proven me totally wrong. The Conservative Party overcame the unfair obstacle that the Liberals placed in our path. Today, the Conservative Party receives the majority of its funding from personal donations, not from the per-vote subsidy. In fact, we have consistently raised enough funds from our own supporters to prove that political parties do not need direct subsidies from the taxpayers of Canada in order to conduct their operations effectively.

I should add, honourable senators, that even though the Conservative Party of Canada is now the greatest beneficiary of the per-vote subsidy, we remain vehemently opposed to it on principle. The principle is Canadians should not be forced to subsidize political parties unequally; Canadians should not be forced to donate to parties that do not even run candidates where they live; and, finally, Canadian taxpayers should not be forced to donate to political parties whose practices and policies they do not support.

**Some Hon. Senators:** Hear, hear.

**Senator Gerstein:** Indeed, as honourable senators are aware, the Conservative government proposed to eliminate the costly and undemocratic per-vote subsidy, and regrettably, the Liberal Party

reacted by forming a coalition with the other opposition parties to bring down the government and save the subsidy.

As the current leader of the Liberal Party, Michael Ignatieff, said in a CBC Radio One interview on December 12, 2008:

Without the coalition agreement, we would not have been able to force the Prime Minister and the Conservative government to back down on crucial issues. For example, we got them to abandon this wildly partisan and absolutely unacceptable set of proposals about stopping public financing of political parties.

Therefore, as I said earlier, the per-vote subsidy persists for now.

Meanwhile, honourable senators, frankly, the Liberal Party has been hoisted on its own petard. Whatever Mr. Chrétien's true motive may have been in introducing Bill C-24, Mr. Martin is quite right to observe that its effect has been to seriously damage the finances of the Liberal Party.

• (1710)

After losing the election of 2006, the Liberal Party established what it called the Red Ribbon Task Force to come up with recommendations for the renewal of the party. On page 9 of its August 2006 report, the task force stated:

Ironically, while C-24 was initiated by the Liberal government, the party continues to be in a period of painful readjustment to the new fundraising climate the bill helped shape. Liberals across the country must realize that failing to fully adjust to this "new normal" will permanently damage the party.

Page 10 elaborated further:

Our party's structure has left us disconnected from members and small-donation supporters, thus greatly impeding our ability to raise money. It's no secret that, for years, we have been hard-wired as a party to rely on large donations from corporate donors. C-24 removed that funding source but we have not yet made the structural changes, or fully effected the cultural change, to a member-focused donation base. . . . Our donor base must grow and be able to challenge the base of other political parties or we will forever fall short on our ability to undertake the hard work of a modern political party.

As I am sure honourable senators remember, the same year the Liberals produced that report lamenting their own party's financing reforms, the newly elected Conservative government was going even further towards removing big money from Canadian politics.

Thanks to the Federal Accountability Act, passed in 2006, corporations and unions are now prohibited from donating not only to registered federal parties but also to candidates, riding associations or leadership candidates, and individual donations are now limited to \$1,100.

Honourable senators, we should all take comfort in knowing that today it is impossible for a small group of extremely wealthy organizations or individuals to exert inordinate influence on Canadian politics. However, as their own internal report admitted, this means the Liberal Party can no longer operate the way it used to.

In the words of a Canadian Press report published in the *Toronto Star* on November 12, 2010, under the headline “Cash-strapped Liberals turn to professional fundraisers”:

Having traditionally relied heavily on corporate cash and big donations from the wealthy elite, the Liberal Party has been slow to adjust to the broad based, popular fundraising approach demanded by the new rules of the game.

In a conference call with all Liberal riding associations on May 27, 2009, the President of the Liberal Party, Alfred Apps, announced a bold plan to reverse the precipitous decline in Liberal fundraising fortunes. The goal was to quintuple — yes, honourable senators, I said quintuple — the amount of funds raised by the Liberals. That goal meant raising over \$25 million in the calendar year 2010. The effort would be overseen by the National Director of the Liberal Party, a formidable fundraiser by the name of Rocco Rossi. Perhaps, honourable senators, that name rings a bell as he has been in the news recently.

Honourable senators, the Liberal Party fell far short of its \$25 million target. According to information published by the Chief Electoral Officer, the Liberals raised \$6.6 million in 2010, one quarter of their target. Looking more deeply at the 2010 fundraising results, it is evident that the Liberal Party has still, I suggest, to this very day, failed to adapt to the reduced role of big money and political financing.

Again, referring to the report of the Chief Electoral Officer, less than half the funds raised by the Liberal Party in 2010 came from donations of \$200 or less. In contrast, two thirds of the money raised by the Conservative Party came from such small donations. At the other end of the spectrum, more than a quarter of the funds raised by the Liberals came from donations greater than \$1,000, while only one tenth of the funds raised by the Conservative Party came from such large donations.

Yes, honourable senators, much has changed from 2003, but the Liberal reliance on big money has not changed. That leads me back to my earlier crucial question: Would Bill S-227 be before us today had the Liberals maintained their 2003 fundraising level of \$17.1 million? Clearly, honourable senators, the answer is no.

In the same vein I ask: Would Bill S-227 ever have seen the light of day had the Liberals been successful in raising the \$25 million per year they set as their target two years ago? Of course not.

You see, honourable senators, the day of the bagman is over. Today, political fundraising is a business, a business that requires extreme focus and attention to detail, strict adherence to the execution of fundraising programs and, at the same time, great efficiency. To raise money, a political party must appeal to a large number of Canadians of ordinary means. That is why some parties are lagging behind.

Given the Liberal Party's admitted difficulties in adapting to the elimination of big money in politics, it is no surprise that we have before us today Liberal Bill S-227 that I suggest seeks to stifle the impact of a multitude of small donations voluntarily given by ordinary Canadians to political parties of their choice.

Bill S-227 is really an anti-democratic bill to address a purely partisan concern, the current financial difficulties of the Liberal Party of Canada. I repeat, honourable senators: Bill S-227 seeks to restrict political expression for no other reason than to protect the interests of the Liberal Party.

Honourable senators, every party has an equal right and an equal opportunity to attract voluntary donations from Canadians and to spend those donations to communicate their ideas and agendas to the Canadian people. So it must remain, for, without freedom of political expression, there can be no democracy.

After he first introduced this bill as Bill S-236 in the last session of Parliament, Senator Dawson said in debate on May 28, 2009:

... the outcome of elections should not and must not depend on the size of any party's coffers. The outcome of our elections should depend on who Canadians think have the best ideas for their country.

Yesterday, he said words very much to the same effect:

I believe that elections should be decided through a fair contest of ideas, not through a contest of who can spend the most.

Let me be absolutely clear: I totally agree with Senator Dawson on this point. He is absolutely right. However, I suggest to you, honourable senators, that money and ideas are not opposing forces — far from it. In fact, they are directly and inextricably linked. Now that massive donations from corporations and the wealthy have been removed from the equation, the relative size of each party's coffers is a direct function of which party Canadians think has the best ideas for their country. Given a level playing field, honourable senators, the size of a party's war chest is determined by the quality of its message.

One thing I have learned in raising money for the Tory Party since the 1960s is the timeless truth of the maxim known to fundraisers everywhere, and many honourable senators, including Senator LeBreton, have heard me say it many times: “Message creates momentum creates money.” It is never the other way around.

• (1720)

That being the case, at any given time one party may attract more freely given donations from more individual Canadians than any other party. Today, perhaps to the chagrin of honourable senators opposite, that party is the Conservative Party of Canada.

Let me be absolutely clear: I do not dwell on this point to rub salt in the wounds of the Liberal Party. As I have mentioned, I have been a bagman for a long time, and I know what it is like



when donations are slow. I can assure honourable senators that the tide always turns, but the fundraising tide, unlike the ocean tide with which my friends from the Maritimes are acquainted, is unpredictable. There are no tables or almanacs to tell us when the flood may lead to fortune or when we are sailing into shallows and miseries.

As I said before, a party's fundraising success depends only on the effectiveness of its message. I repeat, honourable senators, "Message creates momentum creates money."

We Conservatives are confident in the strength of our message and we have great trust in our own leader, The Right Honourable Stephen Harper, to convey that message to Canadians and to translate it into action. That is why the Conservative Party so welcomes the free political discourse that Liberals fear and seek to suppress under Bill S-227.

It is neither possible nor desirable to change the fact that money facilitates that discourse. Paid advertising is not only a legitimate form of political expression; it is in fact an extremely vital form of political expression. It is the only way for parties to communicate directly with citizens en masse without going through the filter of the mainstream media.

That being said, Senator Dawson overestimates, or I suggest perhaps misunderstands, the role of money influencing electoral outcomes. During his speech on this bill in the last session, and again yesterday, Senator Dawson referred repeatedly to the peril of parties "buying elections."

If this was a real danger, honourable senators, surely Kim Campbell would have been elected Prime Minister in a landslide after the Progressive Conservative Party spent a record \$22 million on its 1993 campaign. Talk of buying elections implies that political advertising is somehow a threat to democracy, akin to vote buying and tantamount to corruption. Nothing could be further from the truth. In fact, as I have already indicated, political advertising contributes greatly to democracy. Furthermore, such talk does not give Canadian voters the credit they are due.

Honourable senators, the people of Canada are a discerning and skeptical audience. No party will ever increase its vote count by spending massive amounts of money to advertise a bad policy or a position that lacks credibility. No amount of money spent on advertising can win an election unless voters are receptive to the message being advertised. Freedom of political expression always benefits democracy, but does not always benefit the party expressing itself.

Senator Dawson admitted as much when he spoke on this bill in the last session. In response to a question from Senator Eaton Senator Dawson said that the Conservative Party had received fewer votes in 2008 than in 2006, and I quote, "because of your negative ads." I believe he mentioned this again in his comments yesterday. In response to a question from Senator Segal, Senator Dawson stated, "because of your ads we are probably raising money that we could not have raised if you were not acting so badly." A moment later Senator Downe suggested the Conservative Party had fallen in the polls in Quebec after running ads in that province.

If these statements were true, surely the Liberals would want the Conservative Party to advertise more and not less. However, while I dispute the specific examples cited by Senator Dawson and Senator Downe, I do believe wholeheartedly that it is the quality of the message, and not the amount spent to advertise it that moves both votes and donations.

Honourable senators, the essential point here is that no amount of money spent on advertising can win an election if the message is wrong. Therefore, honourable senators, one can only conclude that what the sponsor of this bill and his Liberal colleagues are really afraid of is not the impact of Conservative money. No, honourable senators, what has them so rightly worried on the other side is the impact of the Conservative message.

For they know that, with the money it receives from its supporters, the Conservative Party can and will communicate its message. That is why the Liberals are trying to restrict party advertising expenditures. They would not be doing this if they thought for one minute that Canadians would turn away from the Conservative message.

In sum, honourable senators, as long as the rules for raising money are fair and equitable, then surely it is fair for each party to spend the money it raises as it sees fit.

It is true that the Conservative Party is able to spend more money on advertising than the Liberals, but is this the result of any unfairness in the current rules? No, honourable senators, the playing field is level.

Let me assure you the same fundraising techniques and technologies employed by any party may be equally employed by all. Honourable senators, there is no proprietary formula, there is no magic potion, there is no secret sauce. It is hard work, and that is all.

In this context, should fundraising success and free political expression be suppressed by legislation just to protect parties that attract fewer donations? Absolutely not, senators. I admit there is one source of funding for political parties that is both unequal and undemocratic. That is, as I mentioned before, the per-vote subsidy created by the Liberals to replace donations from big business. The per-vote subsidy is the only source of funding for federal political parties that does not depend on the willingness of Canadians to donate.

There are other forms of indirect public funding for parties, such as the tax credit for political donations, but such funding flows from the decisions of individual Canadians to donate to the parties of his or her own choice.

Honourable senators, if you are truly concerned about ensuring fairness in political financing, Bill S-227 is not the answer. The starting point of any genuine political financing reform must be the abolition of the inequitable and undemocratic per-vote subsidy. Bill S-227 ignores this very real problem with the party financing system and imposes an unfair remedy to a situation that needs no remedy.

Honourable senators, in addition to the broad principles I have addressed, there are many details of the wording of Bill S-227 that also raise serious concern. My colleague, Senator Di Nino, ably

articulated those concerns when this bill first came before us during the last session. I have not focused on those issues because I am not here to tell you that Bill S-227 is flawed. I am here to declare, with the greatest respect to Senator Dawson, that Bill S-227 is an affront to democracy.

To criticize this bill for its choice of words would be like criticizing a mugger for his choice of dark alleys. If implemented, Bill S-227 would not promote fairness or democracy. On the contrary, it would bash fairness over the head and steal democracy's purse.

Honourable senators, Bill S-227 would do nothing to curtail the influence of big money in Canadian politics. As many Liberals have long acknowledged, the era of big money is already behind us, and that is the very reason for the financial challenges facing the Liberal Party. Rather, Bill S-227 seeks to curtail the influence of the large number of Canadians who donate their own hard-earned money in small amounts to the political parties of their choice. That, honourable senators, is why the Conservative Party cannot support Bill S-227.

• (1730)

We on this side of the Senate believe in freedom of political expression, a level playing field for all political parties, and fairness for all Canadians who nourish our democracy by contributing to parties of their choice.

In conclusion, honourable senators, while Conservatives and Liberals may not always like each other's messages, we can surely agree that both parties — indeed, all parties — must remain free to communicate their messages to the Canadian people as they see fit, not only during elections but also between elections.

I know many honourable senators on the other side will agree. After all, it was none other than the Right Honourable Pierre Elliott Trudeau who wrote:

Certain political rights are inseparable from the very essence of democracy: freedom of thought, speech, expression (in the press, on the radio, etc.) assembly, and association.

I urge all honourable senators to safeguard those political rights and defend our democracy by rejecting Bill S-227.

**The Hon. the Speaker *pro tempore*:** Is there further debate? There are three senators with questions. I will recognize Senator Duffy first.

**Hon. Michael Duffy:** I thank the honourable senator for that learned exposition of the history. However, in his remarks he left out one particular gem that I think resonates to this day with our friends across the way, and those were the learned words of the then president of the Liberal Party of Canada, a great man, Stephen LeDrew, who used the vernacular to describe Mr. Chrétien's proposals. Does the honourable senator have any comments on Mr. LeDrew's comments about a bag of hammers?

**Senator Gerstein:** Of course, I remember the statement well. I must say that I concurred with it. I will add that the honourable senator brings back great memories for me as well. I had written an editorial piece on the issue of Bill C-24 in *The Globe and Mail*. The following week I saw an article in *The Globe and Mail*, responding to me, saying, "my good friend Irving Gerstein," and "I concur with him, as you well know," and I had never met the gentleman. I visited with him on one occasion and made his acquaintance, and I must say that he had great insights, I assume, for the Liberal Party, and anticipated what was to unfold.

**Hon. Hugh Segal:** Will the honourable senator take a question?

**Senator Gerstein:** With pleasure.

**Senator Segal:** I appreciated the breadth of the presentation the honourable senator made, and I am delighted to associate myself with his opposition to the bill. However, as I look across the aisle at Senator Murray and as I look at Senator LeBreton, I remember when our distinguished colleague Senator Gerstein stood there, between total bankruptcy and the day-to-day, penny-by-penny survival of the party, and how remarkably he served the broad public interest in that process.

The honourable senator will remember that the entire process of reform of our electoral expense system began when Pierre Trudeau was in minority, and the Honourable — subsequently the Right Honourable — Robert L. Stanfield campaigned for changes in terms of disclosure, openness, limits on donations and limits on spending. The way in which that process went forward was by a parliamentary committee, chaired by the Member of Parliament for St. Paul's, the Honourable Ron Atkey. That process was one in which all the political parties participated. There was no imposition by party A upon party B; there was a joint process.

I take seriously the policy position that the honourable senator has advanced on behalf of the party we both support, about doing away with aspects of the present structure of subsidies in the system.

Can I ask the honourable senator to give his best judgment on the kind of process by which that change might transpire in the future so that those parties that are doing well as well as those parties that are not doing so well — and we have all been in both places — are allowed to participate in a way that is frank, creative and in the broad national interest?

**Senator Gerstein:** I thank the honourable senator for that question. I will back up on one point, though. I think Canadians should be proud of the system as it is today. I am leaving the per-vote subsidy out. The three biggest issues in political funding of any country have to be the amount, the transparency, and the timeliness in which one knows it. Canadians should all applaud the fact that with regard to those three criteria, we stand far ahead of any other country, including the United States, the United Kingdom, and anywhere else that I have had the opportunity of looking at their system.



With regard to the specific question the honourable senator asked, I dealt with the situation only in principle. I have no idea as to how it might be implemented.

**The Hon. the Speaker *pro tempore*:** Is there further debate? Honourable Senator Mercer.

**Hon. Terry M. Mercer:** Perhaps on occasion Senator Oliver confuses us. I am the tall, good-looking one. He is the short, erudite one. I have no hair; he has little hair.

Honourable senators, I will adjourn the debate momentarily, but I could not refrain from complimenting the speech writers that it appears Senator Gerstein employs from Yuk Yuk's every time he delivers his speeches, because they are always entertaining, humorous and well researched. It is also always nice to be mentioned in his speeches.

The honourable senator knows that he and I agree on one thing. He said that the day of the bagman is gone. He spoke about the fact that it is not about the professional bagman now; it is about the professional fundraiser. He and I agree on that. However, someone made a mistake when they referred to Rocco Rossi as a professional fundraiser. He is a professional promoter, not a professional fundraiser.

**Senator Tkachuk:** That is not what you used to call him.

**Senator Mercer:** This, senator, is my first public statement. The honourable senator has never heard my private statements on our former national director.

My good friend Senator Duffy mentioned former party president Stephen LeDrew, who said that he was the honourable senator's good friend. I am upset about that. I think I can lay claim to being the honourable senator's friend, but Mr. LeDrew cannot claim to be his friend. Mr. LeDrew is not the friend of many people, particularly members of the Liberal Party, because he is no longer a member of the Liberal Party, and we are better for it. I wanted to put that on the record.

Honourable senators, I adjourn the debate in my name for the balance of my time.

(On motion of Senator Mercer, debate adjourned.)

## OFFICIAL LANGUAGES ACT

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Mahovlich, for the second reading of Bill S-220, An Act to amend the Official Languages Act (communications with and services to the public).

**Hon. Elizabeth (Beth) Marshall:** Honourable senators, I rise today to speak to Bill S-220. I have listened with interest to the senators who have spoken previously on this bill. Senator Chaput

spoke eloquently about her background and her heritage. She spoke of the progress made over the past 40 years since the Official Languages Act was passed, but she also spoke of the pressures on some communities and people to assimilate. She spoke of the obligations of the Canadian Charter of Rights and Freedoms, specifically section 20, as well as Part IV of the Official Languages Act.

I do agree with Senator Chaput in that legislation needs to be reviewed regularly. Things change and legislation must be reviewed to ensure it has met its initial objectives, and assessed to determine if new objectives should be established or whether amendments are required. However, I feel that Bill S-220 goes too far, especially as it will affect the private sector, provincial and municipal governments and the RCMP. The bill needs to be reviewed thoroughly so that we will know, before it is enacted, exactly what its impact will be on all these organizations.

• (1740)

Senator Chaput spoke positively about developments in a number of provinces. She spoke about my home Province of Newfoundland and Labrador, where there is a minister responsible for francophone affairs. We have a francophone school board. The education system in Newfoundland and Labrador offers students the opportunity to study in French. Many students in Newfoundland and Labrador, including my own three children, have graduated from high school fully bilingual.

Newfoundland and Labrador has a francophonie community on the West Coast of the province and the province maintains a close relationship with the French colonies of St. Pierre and Miquelon, about 20 kilometres off our South Coast. Students from St. Pierre and Miquelon visit Newfoundland and Labrador often, participate in sports such as swimming, and, alternatively, many students from Newfoundland and Labrador visit St. Pierre and Miquelon. We also have a small francophonie population in Labrador.

Senator Champagne, when she spoke on this bill, could obviously relate to Senator Chaput's experiences. Like Senator Champagne, I feel Bill S-220 goes too far. While Air Canada has existing legal obligations — and this is one of the issues raised during debate — under the Official Languages Act, of course it should comply with those obligations.

When Senator Comeau spoke, he raised an issue with which I agree, and it relates to the costs of these amendments. Private member's bills cannot authorize new government expenditures. The question that must be answered is how will the costs of these amendments be funded? Also, since private member's bills cannot authorize new federal government expenditures, can these bills commit the private sector, as well as provincial and municipal governments, to new expenditures?

Honourable senators, Bill S-220 will have an impact all across this country, as it will affect private sector companies, provincial and municipal governments, and the RCMP. Who knows exactly how these institutions will be affected? Who will pay the additional costs?

The first clause of Bill S-220 amends section 3 of the Official Languages Act by adding to the organizations subject to the Official Languages Act. Right now, the act applies to federal Crown corporations, federal government departments, and other federal institutions such as the Senate and the House of Commons.

Specifically, Bill S-220 as it reads now is proposing to expand these organizations to include "designated carriers," which provide rail, maritime and air transportation and related services. The definition is so broad it will pick up private sector carriers. For example, in Newfoundland and Labrador this would include some small airlines. To impose the Official Languages Act on private sector organizations without consultation would be, in my opinion, quite historic. We do not know the implications of the proposed bill, but it will probably add costs to those companies. Will these companies survive once additional expenditures are added to their operations?

In addition to the impact on the private sector, Bill S-220 also extends into the jurisdiction of the provincial and municipal governments. Specifically, section 1 of Bill S-220 expands the institutions covered by the Official Languages Act to "provincial or territorial institutions." That would include, among other things, provincial and territorial government departments, provincial and territorial Crown corporations, and municipal institutions.

Honourable senators, I could not support any bill which expands the Official Languages Act to include the provinces, territories or municipalities within Canada without consultations or discussions with the concerned parties.

In Newfoundland and Labrador, we also have about 15 interprovincial ferry services operated by the provincial government. What will be the impact on these services?

Section 22(2) as it relates to the RCMP is especially problematic. Section 22(2) is a new section that will now require the RCMP to communicate with and provide services to the public in either official language "on those portions of the Trans-Canada Highway served by its detachments." Before this section is passed into law, we need to know the implications for the RCMP, especially in terms of staffing and costs. For example, in Newfoundland and Labrador the RCMP patrols most sections of the Trans-Canada Highway. Will bilingual officers be required, for example, as in Clarendville, which is primarily an anglophone area? Do the signs on the highways need to be bilingual?

I looked up some information on the RCMP while I was researching this bill. The information that I obtained on the RCMP in Newfoundland and Labrador is that there are over 500 members and 69 per cent of the RCMP officers serving in the province of Newfoundland were born in Newfoundland and Labrador. Given the fact that we are primarily an anglophone community, I would say that the majority of those members are not bilingual. If this bill is enacted, this will be especially problematic for the RCMP.

Of special concern is the fact that the cost of services provided by the RCMP is cost shared by the federal and provincial governments. My recollection is that the bulk of the cost is borne

by the provincial government; I think my memory serves me right. This will have a major impact on the expenditures of the provincial government. That is another area of concern.

Honourable senators, the last sections I want to talk about are proposed sections 24(1)(a)(i) and (a)(ii). Proposed subsection 24(1) states:

Every federal institution or designated carrier has the duty to ensure that any member of the public can communicate in either official language with, and obtain available services in either official language from, any of its offices or facilities in Canada or elsewhere.

It then goes on to state:

(a)(i) in any circumstances prescribed by regulation of the Governor in Council where the services in question significantly affect or benefit the English or French linguistic minority population in a given geographic area;

That is the new section. It seems that, at any point in time now, the Governor-in-Council can come out with regulations that would have a significant impact. They do not even have to put it in legislation; it will just be in regulations. If this bill goes through, new regulations may come out next year that would really open things up. The following proposed paragraph 24(1)(a)(ii) states:

(a)(ii) in any circumstances prescribed by regulation of the Governor in Council, relating to the loss of the language or linguistic assimilation, where the application of this subsection is likely to lead to the revitalization or advancement of the use of the language of the English or French linguistic minority population;

That is quite a big area that would open up and the Governor-in-Council would probably be prescribing some major change. That is also of concern to me.

Honourable senators, those were some of my concerns. Being a new senator, I found that in my research I spent a bit of time going through the Official Languages Act, the proposed bill and many other issues. I was very interested in it. I do look forward to when this bill goes to committee because of some of the issues that concern me. I am looking forward to hearing what witnesses have to say about the proposed amendments.

**The Hon. the Speaker *pro tempore*:** Further debate?

[Translation]

**Hon. Maria Chaput:** Would the honourable senator agree to answer a question?

**Senator Marshall:** Yes.

**Senator Chaput:** Honourable senators, I truly appreciated the presentation given by Senator Marshall. I must say that I have the utmost respect for her, for who she is and for her integrity. I truly appreciate her participation in the debate on Bill S-220.

The Honourable Senator Marshall said that the bill goes too far and that it must be thoroughly reviewed.



• (1750)

She made several points that show that she did her research. She said, at the very end, that she would be interested in listening to the debate that could take place during a meeting of the Standing Senate Committee on Official Languages.

If I understand Senator Marshall correctly, she would be prepared to vote in favour of sending Bill S-220 to a Senate committee. Is that correct?

[English]

**Senator Marshall:** Yes, I would support that, but I would not like to deny other senators the opportunity to participate in the debate.

[Translation]

**Senator Chaput:** That is a very good idea. The senator understands that the view we take in Canada is that of “equal status, equal rights” under the Official Languages Act.

Senator Marshall spoke about cost and I understand her concern. However, does the honourable senator not believe that there are innovative ways of providing services and that, during a debate in committee, we could find ways of providing better services that would not necessarily cost more?

Does Senator Marshall, who has been an accountant, believe that this would be possible?

[English]

**Senator Marshall:** Yes, I think that most witnesses who appear before the committee would come up with other options.

I have concerns in two areas. First, it seems to be putting a lot onto the private sector without hearing from them. For example, off the top of my head, I can think of two provincial airlines in Newfoundland and Labrador. Their websites are bilingual, but being covered by the Official Languages Act might have an impact on their cost of operations, and that is of concern to me. I would not want to drive a private sector company out of business.

The other area that concerns me is the RCMP. That service costs the provincial government a significant amount of money. I am concerned about the cost the provincial government would have to pick up, as well as about the impact on human resources. If 70 per cent of the members of the RCMP in Newfoundland and Labrador are from the province, I would confidently say that the majority of them are not bilingual. I am concerned about how a change such as this would be implemented and affect those members.

[Translation]

**Senator Chaput:** Does Senator Marshall recognize that, under the Official Languages Act, the federal government has a responsibility to support the growth and development of minority francophone and Acadian communities?

[English]

**Senator Marshall:** I was aware of that.

[ Senator Chaput ]

As honourable senators know, Newfoundland is primarily anglophone. I am aware of the term “significant demand,” which I believe is defined in regulations. The Trans-Canada Highway in Newfoundland and Labrador goes primarily through anglophone communities. Therefore, does that fulfil the requirement of “significant demand,” and does this bill take “significant demand” into consideration?

[Translation]

**Hon. Percy Mockler:** Honourable senators, in order to continue this discussion, and in a spirit of innovation and cooperation, I move the adjournment of the debate.

(On motion of Senator Mockler, debate adjourned.)

[English]

## NATIONAL HOLOCAUST MONUMENT BILL

### THIRD READING

**Hon. Yonah Martin** moved third reading of Bill C-442, An Act to establish a National Holocaust Monument.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and bill read third time and passed.)

## CONTROLLED DRUGS AND SUBSTANCES ACT

### BILL TO AMEND—THIRD READING

**Hon. Daniel Lang** moved third reading of Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

He said: Honourable senators, I wish to make a few comments at third reading stage of Bill C-475. The bill is entitled An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

I want to recognize Member of Parliament John Weston, who is here this afternoon. He has worked very hard to get this private member's bill through the House of Commons and the Senate.

This bill was initiated in 2007 and it is now 2011. That illustrates how difficult it is sometimes to get a bill through the House of Commons and into the Senate. I am not here to criticize any one place at any given time, but it has been a long road for this bill. It was unanimously passed in the House of Commons and I hope it will be unanimously passed here at third reading.

Honourable senators, this morning we had a very good hearing on the ramifications of this bill. As Senator Campbell said a number of weeks ago, if this bill is passed into law, it will provide another tool in the toolbox of the authorities to aid them in dealing with individuals who conspire to make chemical drugs

and provide them, for the most part, to our young people. We know how hard it is for the people who enforce our laws to get those individuals off the street so that they cannot affect the lives of Canadians.

Honourable senators, I want to thank everyone for their cooperation on this, and I hope that the bill will be given speedy passage.

**Hon. Joseph A. Day:** Honourable senators, I wish to thank Honourable Senator Lang for explaining the bill at third reading. That should be done so that at least we know what we are voting on when we are called upon to vote.

**Hon. Serge Joyal:** Honourable senators, I would like to thank Honourable Senator Lang and recognize the effort made for the adoption of this bill by the honourable member in the other place. This bill is very short. There are only three clauses to it.

• (1800)

The point I want to make this afternoon is with regard to clause 2 of the bill. The honourable senator was at the committee meeting this morning when we heard the representative of the Department of Justice. As the honourable senator will remember, this bill referred to Bill C-15, which was introduced in the Second Session of the Fortieth Parliament. This bill died with the Fortieth Parliament. It was replaced by Bill S-10. Our house adopted Bill S-10. However, Bill S-10 is still standing on the order paper of the other place.

According to the information brought to our attention, the honourable Minister of Justice seems to be of the opinion that this bill will not be adopted soon. In other words, clause 2 of the bill is problematic. If Bill S-10 is not adopted, the bill will be partially effective. Honourable senators will remember that it will not cover the ecstasy being transferred from Schedule III of the Controlled Drugs and Substances Act to Schedule I, which was to be effected by Bill S-10.

As long as no bill is adopted to implement the changes in the two schedules of the Controlled Drugs and Substances Act, this bill would be partially effective. It is fair for the honourable senators today who will vote on this bill to be informed about that situation.

**Hon. Joan Fraser:** Senator Joyal raised an interesting and important question. We have the benefit of advice from a legal representative from the Department of Justice and from the Senate law clerk. It was clear that clause 2 of the bill, which is a coordinating amendment, is pointless and dead on arrival because it refers to things that should happen if Bill C-15 is passed.

**The Hon. the Speaker *pro tempore*:** I regret to interrupt; however, it is approaching six o'clock. I must ask honourable senators if they would like me to see the clock.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, there has been discussion between the two sides. We are in agreement. I ask all honourable senators on the two sides to agree that we not see the clock.

**The Hon. the Speaker *pro tempore*:** Is it agreed, honourable senators, that I not see the clock?

**Hon. Senators:** Agreed.

**Senator Fraser:** Clause 2 of this bill is dead on arrival because it refers to schedules of legislation that would be adjusted if Bill C-15 passed. Bill C-15 died. Therefore, this particular clause is an embarrassment. We know that Bill C-15 is dead.

We contemplated what would be an appropriate way to address this anomaly. The committee decided that it was worthwhile to pass the bill as is on the theory that no damage would be done. The options before us were to pass the bill unamended, to pass the bill having amended it to delete clause 2 or to pass the bill having amended clause 2 to refer to Bill S-10 instead of Bill C-15. The committee decided for the parliamentary timetable reasons of which we are all aware that they would go the road of adopting the bill as is.

It was my view, as chair of the committee, that while it would have been desirable to fix the bill, it was not essential to do so. No legal damage was being done. We were doing something legislatively embarrassing, but not, in fact, creating harm.

Since I am on my feet, honourable senators, let me say once again how much I object to the growing use of these coordinating clauses, which I think of as "After you, Alphonse" clauses. They take the form of saying, If bill A passes before bill B, then sections such-and-such of bill B will be amended. If bill B passes before bill A, then sections such-and-such of bill A will be amended.

They are difficult to understand. The only people I can see who are helped by them are parliamentarians who do not want to go through the business of addressing the substance of the bills before them in the order they are received. These bills can lead to the kind of swamps in which the Standing Senate Committee on Legal and Constitutional Affairs found itself this morning. They are becoming more common. Bill C-59, which we adopted yesterday, has pages of these clauses.

Since I was given this opportunity, I will say that this is not an appropriate parliamentary way to go. It is not illegal; however, it is also not appropriate.

**Hon. John D. Wallace:** Being the deputy chair of the Standing Senate Committee on Legal and Constitutional Affairs, I was part of the discussion that took place today. I agree with Senator Fraser's conclusion that the committee is supportive of this bill. However, I differ with the honourable senator. We had this debate during our session today. I do not view the inclusion of clause 2 as being an embarrassment.

Clause 2 simply provided a contingency that, if certain circumstances should occur, it could effect the actual clause 7.1(1) that would be enacted. It was a contingency. However, those circumstances were not met. It does not effect the bill and that is the key point.

If, in the future, circumstances change, as with any legislation, and amendments are needed, then that process happens in the normal course. I believe that is the circumstance we have here. I believe Senator Fraser and I have come to the same conclusion in



support of bill. However, I do not believe that there was anything close to a consensus on the effect of clause 2. I did not feel it to be an embarrassment. However, I appreciate her point. She made it effectively today in committee.

**The Hon. the Speaker *pro tempore*:** Is there further debate? Are honourable senators ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Bill read third time and passed.)

### PATENT ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the second reading of Bill C-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

**Hon. Roméo Antonius Dallaire:** Honourable senators, having spoken to this bill, I am seeking from Senator Carignan whether he will speak expeditiously to this bill, or, will it be left to die on the branch because we did not take decisive action while the chance was still there?

[*Translation*]

**Hon. Claude Carignan:** Honourable senators, yesterday I moved the adjournment on behalf of Senator Smith, who wishes to speak to this bill. I know that Senator Smith is not present today. So, unless another senator wishes to speak, I would like to move adjournment of the debate on behalf of Senator Smith until the next sitting.

• (1810)

[*English*]

**The Hon. the Speaker *pro tempore*:** It is moved by the Honourable Senator Carignan, seconded by the Honourable Senator Greene, that further debate in this matter be adjourned until the next sitting of the Senate, in the name of Senator Smith.

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker *pro tempore*:** All those in favour of the motion will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** All those opposed to the motion will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** In my opinion, the “yeas” have it.

*And two honourable senators having risen:*

**The Hon. the Speaker *pro tempore*:** Call in the senators. Do the whips have a recommendation for the bell?

**Hon. Jim Munson:** Half an hour.

**The Hon. the Speaker *pro tempore*:** Is it agreed it will be 30 minutes?

**Hon. Consiglio Di Nino:** Yes.

**The Hon. the Speaker *pro tempore*:** I therefore wish to inform honourable senators that the vote will take place at 6:40 p.m.

Do I have permission to leave the chair?

**Hon. Senators:** Agreed.

• (1840)

Motion agreed to and debate adjourned on the following division:

### YEAS THE HONOURABLE SENATORS

Andreychuk  
Ataullahjan  
Boisvenu  
Braley  
Brazeau  
Brown  
Carignan  
Champagne  
Cochrane  
Comeau  
Demers  
Di Nino  
Duffy  
Eaton  
Finley  
Gerstein  
Greene  
Housakos  
Lang

LeBreton  
MacDonald  
Marshall  
Martin  
Meredith  
Mockler  
Neufeld  
Nolin  
Oliver  
Patterson  
Plett  
Raine  
Rivard  
Runciman  
Seidman  
Stewart Olsen  
Tkachuk  
Wallace  
Wallin—38

NAYS  
THE HONOURABLE SENATORS

|          |                   |
|----------|-------------------|
| Banks    | Jaffer            |
| Callbeck | Joyal             |
| Chaput   | Lovelace Nicholas |
| Cordy    | Mercer            |
| Cowan    | Mitchell          |
| Dallaire | Munson            |
| Day      | Murray            |
| De Bané  | Pépin             |
| Downe    | Poulin            |
| Dyck     | Robichaud         |
| Eggleton | Rompkey           |
| Fraser   | Tardif —25        |
| Hubley   |                   |

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil.

CANADA POST CORPORATION ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Donald Neil Plett** moved second reading of Bill C-509, An Act to amend the Canada Post Corporation Act (library materials).

He said: Honourable senators, I rise today to speak to Bill C-509, An Act to amend the Canada Post Corporation Act. This legislation seeks to amend the act to include the library book rate, allowing Canada Post the ability to regulate the rate charged to libraries to ship materials, as well as allowing Canada Post to enter into an agreement with the Department of Canadian Heritage to continue this library book rate.

This legislation also includes a definition of library materials into the Canada Post Corporation Act, allowing it to expand to include modern day technology.

The library book rate plays an important role in the Canadian library system, allowing for the seamless sharing of books between communities. Coming from rural Manitoba, I share the frustration of not always having access to larger city centres. With the library book rate, libraries can easily participate in inter-library loans, allowing urban and rural libraries alike to have access to the vast library collections across Canada.

It also enables libraries across Canada to ship books to those who do not necessarily have access to a library. It is estimated that approximately 1 million Canadians benefit from this library book rate annually.

Canada Post has been offering a highly discounted postage rate for library books for over 70 years. The rate is significantly discounted, up to 95 per cent of regular parcel rates available to Canadians at Canada Post counters. As public institutions, libraries seek to minimize their costs while maintaining a high

level of service to Canadians. Saving on postage rates allows libraries to increase their investment in educational programs and expand their collections.

For the past couple of decades, the library community has been calling for the library book rate to be expanded beyond books to include technological media that are an increasingly important part of their collection.

• (1850)

As it is currently offered, the library book rate is only available for books. When this rate was first established many years ago, it was not envisioned that there would one day be such technologies as CDs. By including a definition of “library materials” in the Canada Post Corporation Act, the library book rate will be available to modern day materials such as CDs, DVDs and books on tape.

This legislation received unanimous support in the other place and received generous support from groups all across Canada, including the largest national library group in Canada, the Canadian Library Association. Thousands of Canadians from coast to coast have also signed petitions in support of this bill.

I applaud the Member of Parliament from Brandon-Souris, Merv Tweed, for bringing forward this comprehensive bill. I ask all honourable senators to lend support to this excellent piece of legislation.

(On motion of Senator Tardif, debate adjourned.)

QUEEN'S UNIVERSITY AT KINGSTON

PRIVATE BILL TO AMEND CONSTITUTION  
OF CORPORATION—SECOND READING

**Hon. Lowell Murray** moved second reading of Bill S-1001, An Act respecting Queen's University at Kingston.

He said: Honourable senators, I will impose upon your patience at this relatively late hour only to the extent of providing the shortest possible statement as to the background of the bill and to provide as succinct a description as I can of its provisions.

The purpose of the bill is to amend the charter of Queen's University at Kingston. Queen's University was incorporated by a royal charter issued by Queen Victoria in 1841. Legislation had been passed through the Parliament of the United Province of Canada a year earlier. Fast-forward to Confederation and the post-Confederation years, and the question became: What government — what legislature — had the authority to enact amendments to the Queen's University charter?

After some debate, some trial and error, and some litigation that was deemed to apply to Queen's, the conclusion was that the Queen's University charter could be amended not by the Legislature of Ontario acting alone, or by that of Quebec acting alone, or by the two of them together, but only by the Parliament of Canada. That is the situation we are in.

Accordingly, Queen's University has come to Parliament eight times since Confederation to have its charter amended. The first time was in 1882, when the amendments were brought



forward by the then-MP for Kingston, Sir John A. Macdonald. After that, the charter was amended by Parliament in 1889, 1906, 1912, 1914, 1916, 1961 and, most recently, in 1996 when I had the honour of piloting amendments to the charter through Parliament, through this place.

What I have just offered, in a telescoped way, represents extremely detailed legal and constitutional history that I placed on the record in what I thought was an absolutely arresting, compelling and gripping speech in 1996. It is all there. For those honourable senators who were present and liked the speech so much that they would like to reread it, and for those here who were not present but would like to study this legal and constitutional history for ease of reference, honourable senators may find my speech in the *Debates of the Senate* of April 25, 1996, a mere 15 years ago.

I am ready if any honourable senator is so interested as to ask questions. I brought with me various legal briefs on the subject to which I can refer.

This bill will amend the Queen's charter, first, through amendments affecting sections 7, 10 and 11 of the 1912 act in order to reduce the membership of the board of trustees of the university from 44 to a more workable 25 members; and to empower the board of trustees to make bylaws with regard to the governance of the board of trustees. Second, this bill would amend the charter, through amendments affecting sections 14, 15 and 17 of the 1912 act, so as to continue the university council, which is basically an advisory body; and to empower the council to enact bylaws in regard to their own composition and governance, and with regard to the appointment and the manner of appointment of various officers, including the chancellor and rector of the university.

If this bill passes, the good news is that we will be "patriating" — to use a term familiar to most of us — parts of the charter and providing back to Queen's a partial amending formula, so that their petitions to Parliament to have their charter amended will be even less frequent in the future than they have been in the past.

If this bill receives second reading, I will move that it be referred to the Standing Senate Committee on Legal and Constitutional Affairs, as previous bills of this kind have been.

Once it goes to the House of Commons, if it does, I have every reason to hope, at least in the present circumstances, that it would find expeditious treatment. The present Speaker of the House of Commons is the Member of Parliament for Kingston and the Islands, and the present Government House Leader, Mr. Baird, is a graduate of Queen's University. If those two together cannot expedite this bill, then that place is in even worse shape than I thought it was.

**The Hon. the Speaker pro tempore:** Are honourable senators ready for the question?

**Some Hon. Senators:** Question.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

## REFERRED TO COMMITTEE

**The Hon. the Speaker pro tempore:** When shall this bill be read the third time?

(On motion of Senator Murray, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

## STUDY ON NATIONAL SECURITY AND DEFENCE POLICIES

### SEVENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report (interim) of the Standing Senate Committee on National Security and Defence, entitled: *Sovereignty & Security In Canada's Arctic*, tabled in the Senate on March 22, 2011.

**Hon. Pamela Wallin** moved the adoption of the report.

She said: Honourable senators, I would like to say a few words tonight, as might the Deputy Chair of the Standing Senate Committee on National Security and Defence. I know that our time is short and there is a lot I would like to say about this. However, let me give honourable senators a brief highlight of what we have discussed at length in our committee.

This report is about Arctic sovereignty and security, and is an interim report. It is not intended to be exhaustive on the subject, and it is not necessarily our final word. There are pressing defence and security issues today, exigencies of Canadian politics, and we do not know when the next report will come forward.

• (1900)

It is the intention of your committee to produce reports that are clear, concise, on topic, and based on witness testimony and whose recommendations are doable in a climate of fiscal austerity.

Something that one of our witnesses said helped shape our discussion and was very formative. He said:

In the end, the battle for the Arctic will be fought by scientists and lawyers. The weapons will be information and scientific data, and the battleground will be conference rooms and courtrooms.

Honourable senators, that is the nature of the discussion we are having. After the post-Cold War period, the Arctic has re-emerged into the public consciousness, because the climate is changing, the Arctic ice is shrinking, and it is revealing the bonanza of oil and gas and minerals and fish and marine life. We all know the world is resource hungry. At the same time, people are looking for short and less costly sea routes for transportation. These are raising a series of issues.

These waters will be open to other kinds of marine traffic. It will allow resource development offshore, and it will clear the way for tourists to cruise through the Arctic.

Resource and transportation routes have long been points of contention among nations and a leading cause of conflict. Access to the resources and transportation routes is now an issue of national security everywhere. Nations everywhere, especially Arctic nations, are thinking about how we handle these issues, and Canada remains a leading Arctic player. The government of the day has taken a particular interest in the Arctic. It reflects the region's growing importance in world affairs and our national life.

The Canada First Defence Strategy speaks to the defence of the Arctic and includes plans for six to eight Arctic Offshore Patrol Ships. Canada's Northern Strategy outlines measures for exercising sovereignty in the Arctic, including design and construction of new polar class icebreaker, an expansion of the Canadian Forces facilities and capabilities. Recently, the government outlined a Canadian Arctic foreign policy. The Prime Minister takes a great personal interest in this subject, and as Canada's Foreign Affairs Minister told us, the importance of the Arctic and Canada's interest in the North has never been greater.

We do have our disputes with Denmark and the United States, and the long-standing dispute over the Northwest Passage. Beyond all of these, there is the broader international picture, and there are other players that want to be part of this debate, even though they are not Arctic nations.

Honourable senators, we looked at the following questions: Are we sufficiently aware of what goes on in this sparsely settled place? Is Canada keeping pace with the developments unfolding because of climate change? Is the region again in danger of becoming militarized, as it was in the Cold War? What are the military threats, if any, and what are the non-military threats? What is Canada doing? What needs to be done to secure our territory in the North?

We made recommendations. I will recount those quickly. At some future point, I will speak at greater length about this. We have recommended that the government make speedy acquisition of new fixed-wing, search-and-rescue aircraft, and to make that the top of military procurement priorities, and that target dates be published for that particular program.

We have asked that the government keep the Canadian Rangers Modernization Program on track with consideration being given to expanding the rangers' role in the marine environment. That program should go forward sooner rather than later.

We have asked that the government ensure procurement of the polar icebreaker *John D. Diefenbaker* by the end of 2017, which is the year the Canadian Coast Guard expects the ship to enter service.

The government should consider reallocating existing Canadian hydrographic service funds. It took the committee by surprise that more work needs to be done on a high-priority basis to upgrade marine navigational charts and create new ones. It turns out that we do not know what is under that water and ice in that vast area.

Honourable senators, we have asked the government to take steps to create an Arctic pilotage authority, whose purpose would be to require that commercial marine vessels in the Arctic carry pilots for the narrow passages. In other words, we need people who know what they are doing when they negotiate through this area.

In order to reduce search-and-rescue response times in the Arctic, we have asked the government to position some of the Canadian Forces SAR assets at a central location in the North so there is always an aircraft on standby, as there are in the South. Most of our assets are here.

We have already received some response to this report. It is all very positive. We are encouraged by that. We will continue to look at this issue, but I know that my colleague would like to say a few words as well.

[Translation]

**Hon. Roméo Antonius Dallaire:** Honourable senators, I would like to say a few words about this excellent interim report from the Standing Committee on National Security and Defence, whose recommendations can be reasonably applied.

[English]

I wish to raise one dimension of it to clarify the background and to prepare the way for the continued study of the Arctic sovereignty and security.

We have Minister Cannon's report, and he says:

The first and most critical pillar of the Northern Strategy is exercising Canadian Arctic sovereignty.

In 1987, during the Mulroney years and the Cold War era, we produced a white paper that articulated the essentiality under the Cold War context of building a major base in the North and of deploying up to a thousand troops permanently in the northern area, being rotated every three months. The paper articulated that we would have the air force in permanent deployment and the navy would acquire nuclear powered submarines.

That was very much a security dimension during the Cold War, and although it was in the 1987 white paper that was approved on June 5, 1987, by June of 1989, that white paper was nearly destroyed and those projects disappeared.

Mr. Wilson had influenced the Prime Minister to say that the white paper was unaffordable resulting in massive cuts. Ultimately, all the investments, including acquiring vehicles like the BV206s, which we invented in the 1950s, sold to the Norwegians and the Swedes and they are selling them back to us. All the equipment for the North was cancelled and those projects were for naught.

Honourable senators, here we are 20-odd years later, and we are back there. I think we are back there under the context of not a Cold War, but on the context of Canada and its priorities and what it sees as its role within the Arctic region, in the circumpolar scenario.



I would like to raise the question of whether we have sovereignty and security.

I want to quote from Alan Kessel, who is a legal adviser to the Department of Foreign Affairs and International Trade. He took issue with those who say Canada claims sovereignty. Mr. Kessel said, "This is a misnomer; you do not claim something that you own."

That is a fundamental argument in this report, namely, that we own it. It is not a matter of whether we should exercise our sovereignty and prove it. We own it. It is a given. Someone has to prove to us that it is not ours.

• (1910)

In that context, Mr. Kessel then highlighted the difference between sovereignty and security, and the danger of confusing the two. One may have it sovereign, but it may not be secure. I will read this short excerpt:

If you have a house and someone runs through your backyard in the middle of the night, you do not lose sovereignty of your house. You still own it. You may question the security of your backyard, and you may want to look into that, but you do not lose ownership of something just because you question whether it is secure enough. That is key in understanding this particular issue because once you start falling into the realm of "If it is not secure, it is not mine," I think you have lost much of your argument. It is always yours.

Canada, therefore, as the report says, does not claim sovereignty of the Arctic region; it owns it.

With that, the chair of the committee read out the recommendations, and I will spend a few moments amplifying recommendation number 2, which states the following:

The Government keep the Canadian Rangers modernization program on track, with consideration given to expanding the Rangers' role in the marine environment. The program should be completed sooner than later.

We have in the North an incredible capability that has never been used or developed in exercising our security and fully engaging the people of the North in that responsibility. I will read from a study I was involved with regarding the Canadian rangers and putting them on the water. Right now, their role is land-based. The extension of the Canadian rangers on the waters, in my opinion, is a significant advancement towards maximizing the security of the people of the North and rendering the security far more effective. I speak of security in the generic sense, that is, security from oil spills, rogue ships or whatever other potential threats there are. If I may read from the study:

To secure our North, and to consequently support our position that the waters of the Northwest Passage are internal, Canada needs to mobilize local assets effectively — as quickly as possible. One well-established asset for local surveillance is the Ranger Program, which operates across Canada but is of particular importance in the Arctic. These lightly-armed, land-based custodians are part-time and

trained by the Canadian Forces. Not only would the Canadian Ranger Patrol Groups of the Arctic, who are largely Inuit, bring an unquestionable credibility to the Canadian claim of Arctic waters, but an expansion of their role can be done quickly and at relatively low cost. Administered properly, enhanced employment and training can also raise the quality of life for Northern communities, which face unique challenges.

I am arguing for acquiring the small vessels, providing training and expanding the Ranger capability from a 17- to 19-day-a-year operation to a semi-part-time operation, particularly when the waters are open, which is at least four months of the year, and might be more. Rangers would be deployed on the waters and conduct the surveillance.

I will make two arguments, one on efficiency and the other one on credibility. Regarding the efficiency of using the Aboriginal people of the North in this role, the advantages of employing local Aboriginal people to patrol Northern waters rather than southern people runs far deeper than savings on relocation and training costs, which are in themselves substantial. Local Aboriginal peoples can offer rich, contextual knowledge and years of experience, which cannot be matched by even the best-trained southern personnel. Furthermore, those with a personal connection to the area are likely to stay in the Ranger Program and with their particular detachments for much longer periods. That stability is particularly important, given the steep learning curve and the costliness of errors made in the Arctic.

As for the credibility of using the Aboriginal peoples, and the advantages that accrue from this approach, the international community would find it more difficult to criticize the Aboriginals for protecting their traditional harvesting grounds. There is a little nuance here about their way of life and how they sustain it. Aboriginals worldwide have an inherent credibility when it comes to their traditional interests. This credibility would further strengthen their position on the matter of the internal waters and sovereignty. The Aboriginal inhabitants of the Canadian Arctic provide the most compelling arguments to support Canada's position that the waters of the Arctic archipelago are internal waters.

Work has been done on expanding that role to the waters where the Rangers would be on the waters for up to five months of clear waters, up to 25 days a month, patrolling in these smaller vessels and providing an asset that no one from the south could imitate nor do it as effectively.

The estimate to build that capacity — the small boats, the training and even salaries — is an initial cost of about \$4 million, and then an annual cost of about \$1 million to \$1.5 million. It is peanuts compared to what we invested with the border services when we armed them and it cost us \$1 billion for them to carry pistols. They are dangerous, just looking at them and the training levels that I have seen so far. We invested \$1 billion to arm our southern border people, and in the North, we are questioning whether we can expand the role of the people who live there to a better one, which would cost us peanuts in comparison.

In the future study, I hope that we significantly and aggressively pursue maximizing the roles of the Northern people in the security of the North and the footprint for us there, not only at an

effective cost but also to give the people of the North a sense of belonging and partnership, and a sense that this nation is engaged with all people for its security and its future.

**The Hon. the Speaker *pro tempore*:** Is there further debate? Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted.)

## THE SENATE

### MOTION TO CONDEMN ATTACKS ON WORSHIPPERS IN MOSQUES IN PAKISTAN AND TO URGE EQUAL RIGHTS FOR MINORITY COMMUNITIES ADOPTED

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator Finley, seconded by the Honourable Senator Greene:

That the Senate condemns the barbaric attacks on worshippers at two Ahmadiyya Mosques in Lahore, Pakistan;

That it expresses its condolences to the families of those injured and killed; and

That it urges the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice

**Hon. Tommy Banks:** Honourable senators, I will not bore you by recounting my reservations about this motion, as I referred to them yesterday. They are along the same lines. Senator Di Nino and I had an exchange yesterday about this question. My reservation is to remind honourable senators that governments ought to deal with governments and that legislatures, this legislature in particular, ought not to deal with governments.

• (1920)

Looking at Motion No. 50, the first two paragraphs cause me no concern. "That the Senate condemns . . . barbaric attacks . . ." We can certainly do that. "That it expresses its condolences . . ." We can certainly do that as well.

While we have the right, as Senator Di Nino said, I think, to do the third thing, it is the third thing that causes me pause. "That it" — being the Senate — "urges the Pakistani authorities to ensure equal rights . . ." et cetera. I think it is appropriate that we should ask the Government of Canada to urge the Pakistani authorities.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Are we on the same motion? We are on No. 50.

**Senator Banks:** Yes.

**Senator Comeau:** I believe the honourable senator is referring to Senator Di Nino's Motion No. 84.

**Senator Banks:** No. What I said was that the reservations that I have about this motion are the same as the ones that I was discussing with Senator Di Nino yesterday and that yesterday, in that discussion with Senator Di Nino, I referred to Motion No. 50. We are now dealing with Motion No. 50.

My reservation is the same, that it ought to be government to government. In order to give effect to that, and without taking any more time, honourable senators, I propose a motion that I hope Senator Finley will find to be a friendly one. It is intended to be friendly.

## MOTION IN AMENDMENT

**Hon. Tommy Banks:** Therefore, honourable senators, I move:

That the motion, as amended, be further amended in the third paragraph, by replacing all the words after "That it", with the words:

"asks the Government of Canada to urge the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice."

**The Hon. the Speaker *pro tempore*:** It has been moved by the Honourable Senator Banks, seconded by Honourable Senator Day, that Motion No. 50, as amended, be amended as follows:

That the motion, as amended, be further amended in the third paragraph, by replacing all the words after the words "That it", with the words:

"asks the Government of Canada to urge the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice."

**Hon. Doug Finley:** Honourable senators, I guess I am quite in agreement with Senator Banks. I have no problem with the motion as amended and would certainly encourage everyone to support it.

**The Hon. the Speaker *pro tempore*:** Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion in amendment?

**Hon. Senators:** Agreed.



**The Hon. the Speaker *pro tempore*:** Are honourable senators now ready for the question on the motion as amended?

**Hon. Senators:** Question.

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion, as amended?

**Hon. Senators:** Agreed.

(Motion, as amended, agreed to.)

## SENATE ONLINE

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the online presence and website of the Senate.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak to Senator Mitchell's inquiry that draws attention to the importance of having an online presence.

Canadians are fundamentally unaware of the tremendously valuable work that is conducted within the Upper Chamber and committees we all operate within. The lack of effective, intelligent online integration and the synergistic development of a robust digital online presence for the Senate of Canada can only be viewed as a tremendous detriment to the important work we conduct on behalf of Canadians.

Honourable senators, we live in a rapidly changing world, one in which time is no longer measured in years and months, but minutes and seconds. The age of this establishment's traditional industrial media's highly editorialized content publication and controlled syndication has arguably run its course. The traditional push messaging model of one-to-many has changed dramatically to a widely adopted individualistic pull model, in which anyone with access to an Internet connection can decide for themselves what content they choose to consume and when to consume it.

In addition to this fundamental shift in human behaviour, each individual now has the ability to be location- and time-independent, as compared with being bound to a television to view a specific broadcast at a specific time, which seems somewhat archaic.

For clarification, "push" often refers to messaging that is splashed to people, whether or not the person wants to receive the information now, such as television commercials. A "pull" is when people actively seek out information or content. For example, searching for something on Google is pull marketing. Push marketing is television commercials and far less targeted or efficient.

The shift from desktop computing has transcended quickly to a more quickly adopted mobile computing platform, for our mobile phones are no longer simply viewed as a telephone in the same

way that our BlackBerry devices are no longer for simple email alone. These devices have become a fundamental part of the vast majority of everyday Canadian lives, for they truly are personal communication devices, devices that enable an individual instant access to an endless amount of information on demand and without limitations.

It is critically important to acknowledge this is certainly not only a Canadian phenomenon, for in less than half a decade, a substantial proportion of the world's population has gained relatively inexpensive and reliable access to information and communication technology.

While barely scratching the most basic of surfaces, I am sure the importance and acceptance of my previous statements are undeniably obvious, and so I enter an issue that affects all 105 senators of this upper chamber.

It is absolutely unacceptable that an institution as important as the Senate of Canada has an arguably antiquated online presence. The value of directly engaging with Canadians, while in the constructs of a less intimidating social online ecosystem, will only help Canadians to understand the work we all conduct. To some degree, these matters have been discussed previously, but what has always been missing is true organic long-tail integration.

What I mean is the ability to create and foster issues that truly matter. Issue-based optimization is a more advanced aspect of true online integration and digital development, but a profoundly imperative one. It is the ability to target issues and map them to actual user data, such as keyword evaluation and query string GeoIP. The IP stands for "Internet protocol," which every device that connects to the Internet has. It is like a phone number for computers so they can talk to each other. IP analysis provides actionable real-time information to those to whom our work will matter the most. GeoIP is the location of a personal computer by its IP address and geographic location. It can be thought of as an area code for a phone number.

The Social Web 2.0 phase of the Internet and online generation is quickly coming to a close and manifesting into a much more efficient and systematically integrated Semantic Web, which many industry professionals have referred to as Web 3.0. Web 3.0 is called the fully interconnected or Semantic Web. This is like the next stage of the Internet and it is starting to take shape.

The importance of developing and allowing Canadians to appreciate the value of our work has perhaps never been so important.

• (1930)

In a time of information overwhelm, the clarity of a well-planned and strategic online presence should be at the forefront of what we offer to Canadians. The utilization of powerful tools, analytical data sets and user metrics can provide tremendous value to the work of this chamber.

The effective development of a powerful online presence for the Senate, in a rapidly evolving digital space, allows for substantial opportunity with the utilization of highly targeted search engine optimization, social media optimization and community-driven interaction and development.

Honourable senators, we have a lot to share with Canadians. Let us get the information to them through a medium to which they are now accustomed.

**The Hon. the Speaker** *pro tempore*: Further debate?

(On motion of Senator Banks, debate adjourned.)

[Translation]

## THE SENATE

### MOTION TO CALL UPON CHINESE GOVERNMENT TO RELEASE LIU XIAOBO FROM PRISON— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stewart Olsen:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

**Hon. Percy Mockler:** Honourable senators, today we all have a common goal, to make our region a better place to live, to work and to ensure that democracy is recognized around the world.

[English]

Honourable senators, this motion is very important. I applaud the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stewart Olsen that the Senate of Canada call upon the Chinese government to release from prison Liu Xiaobo, the 2010 Nobel Peace Prize winner.

Honourable senators, I rise to add my voice to those of Senator Munson, Senator Di Nino, Senator Stewart Olsen and others who believe the Senate of Canada should call on the Chinese government to release the Nobel Peace Prize winner, Liu Xiaobo.

[Translation]

This is something we must do to show people and countries around the world, once again, that democracy and respect for human beings are important.

[English]

Honourable senators, we have had this important issue on our Order Paper for weeks. We should not delay dealing with this any longer.

[Translation]

I believe that today, in this august chamber, we must show the entire world, and particularly the Chinese government, that we respect human rights. We must take action now.

As Senator Munson said so well in this chamber, together, we must urge the Chinese government to release Liu Xiaobo.

[English]

Honourable senators, every day we see news stories from countries where oppressed peoples are fighting for freedom. In Canada we know what freedom is all about. Brave people in Egypt, Tunisia, and now Libya, have had the courage to stand up to their oppressors and fight for what we have every day: freedom. As Canadians we rightly applaud those freedom fighters, but, when it comes to Liu Xiaobo, we are strangely silent.

It is time to do the right thing. Honourable senators, we must do it for peace, for good order and for good government.

Experts on China report that, instead of learning from these nascent democracy movements in Egypt and elsewhere, they report the political climate in China has become more tense and repressive. It is an outrage that since Liu Xiaobo was awarded the Nobel Peace Prize last October, the conditions of his captivity have not gotten better, but have actually worsened. I find it incredible that the Chinese government is so insensitive. The right thing to do is collectively and together, we ask the Chinese government to move immediately.

Although the Chinese Premier, Wen Jiabao, has repeatedly said in public that China needs political reform to sustain its economic growth, journalist's report the Chinese leadership has, on the contrary, become far more sensitive to any signs of political instability in their country.

Honourable senators will remember the Chinese government condemned the Nobel Committee's presentation of the Nobel Peace Prize to Liu Xiaobo as interference in China's internal affairs, on the grounds that he is a convicted criminal. We know better, as Canadians, when we look at freedom.

Liu Xiaobo was arrested in late 2008 for drafting Charter 08, which calls for democratic reforms in China. For doing so, Liu Xiaobo is now serving an 11-year sentence.

It is time for the Senate of Canada, honourable senators, to stand up collectively and tell the Chinese government the truth. China's persecution of Liu Xiaobo and other so-called dissidents is an affront to decency, to democracy and to the respect of human rights. It blackens the name of their otherwise great nation.

Honourable senators, let us add our voices to those of democrats everywhere in the world and tell China to let Liu Xiaobo out of prison now.

**Hon. Tommy Banks:** I wonder if Senator Mockler will accept a question.

**Senator Mockler:** Yes.

**Senator Banks:** One is never supposed to ask a question unless one knows the answer, but I cannot know the answer to this because I do not yet know the mind of Senator Mockler.



What would the senator's reaction be if the Senate of Italy — not the government but the Senate of Italy — sent a note to the Government of Canada demanding that it seek the repatriation of Omar Khadr?

**Senator Mockler:** Honourable senators, let us look at the facts that we are dealing with in the circumstances of Liu Xiaobo. Let us deal right now with the issue of freedom, democracy and making this a better world. Thank you.

**Hon. Consiglio Di Nino:** Honourable senators, I would like to ask a question and then make a motion.

• (1940)

The question is this: Do we have the authority as a constitutional body? Does the Senate need to go to big daddy and say, "Please, may I do this?" That is the question. We have had a ruling from the Speaker that we have the authority, we are able to do this, and on these issues we should not be concerned about having to ask permission from the other House of Parliament.

Is the honourable senator aware of that ruling that we received about two years ago from the Speaker?

**Senator Mockler:** I could not have said it better than how it was presented by my colleague Honourable Senator Di Nino. This is why we need to ask the Government of China to act now, because of democracy and because of the freedom we have. We have seen good governance and we work together to demonstrate to the world that Canada is a country that can lead by example. Let us continue to lead by example.

**Senator Di Nino:** I move the question.

**The Hon. the Speaker pro tempore:** There are other honourable senators who wish to pose questions.

**Senator Di Nino:** As long as I can move the question, that is fine.

**The Hon. the Speaker pro tempore:** The Honourable Senator Banks.

**Senator Banks:** With respect to what Senator Di Nino has said and the question he asked of the honourable senator, does the honourable senator have the impression that Senator Di Nino meant that the Government of Canada and the House of Commons are one and the same?

**Senator Mockler:** I am not a constitutionalist, nor do I claim to be a constitutionalist. However, I will rely on the wisdom of the senators here in this august chamber, and I do support what my colleague Senator Di Nino mentioned earlier.

**The Hon. the Speaker pro tempore:** Does Senator Day have a question?

**Hon. Joseph A. Day:** I have a statement on a matter of procedure. Senator Di Nino has indicated that he wants to speak again, and that will close the debate. This matter was reserved in my name.

Normally, I would have expected the courtesy from Senator Mockler of saying, "May I speak?" when the matter is reserved in my name. The honourable senator is a colleague. I said nothing when he was speaking. However, I would have expected him to say that when he finishes speaking, the matter be returned to the adjournment, which is already in my name.

**The Hon. the Speaker pro tempore:** Does the honourable senator wish to put a question to Senator Mockler now?

**Senator Day:** I made my point. I wish the matter to revert to my name in adjournment.

**Hon. Anne C. Cools:** Honourable senators, I have a question. I thank Senator Mockler for his impassioned statement. I would also say that I have respect for Senator Di Nino. I want to put that on the record, honourable senators. However, the motion says:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

Honourable senators, how can the Senate call on the Government of China? What is the mechanism by which the Senate of Canada calls upon the Government of China? Do we have a diplomatic representative there who will deliver the message? How does a calling happen? What is it and how does that work?

[Translation]

**Senator Mockler:** Honourable senators, in the spirit of Motion No. 84 moved by Senator Di Nino and seconded by Senator Stewart Olsen, I think that Canada has a role to play. The role Canada has to play, as a democracy — a democracy envied by several hundred countries around the world — is that it has to make a gesture. On both sides of the chamber we want to make a gesture, both Senator Munson and senators on this side of the chamber, to send a message to the Chinese government.

Why? Because we are a democratic country envied by several hundred countries around the world and, as such, we must send a clear message.

[English]

**Senator Cools:** If that is what the honourable senator is trying to do, the motion does not say so. The motion is quite clear that the Senate of Canada "... call upon the Chinese Government." It does not what the honourable senator thinks it is saying.

The words of the motion are very explicit, that the Senate of Canada call upon the Chinese government. Since that is what the motion is asking the Senate to vote on, we should know what we are voting on and how that action of calling is supposed to take place.

**Senator Banks:** Send him a fax.

**Senator Cools:** I am serious. I do not believe that Senator Di Nino intends to be difficult or vague; however, the fact of the matter is that there is no mechanism for the Senate to do what it is being asked by vote to do.

**Senator Mockler:** Honourable senators, there is no doubt in my mind that the honourable senator opposite is not trying to be difficult.

**Some Hon. Senators:** Oh, oh!

**Senator Mockler:** However, I do agree that there is a statement to be made. Honourable senators, let us show that Canada, with the democracy we have, will make that statement.

**The Hon. the Speaker *pro tempore*:** Honourable senators, Senator Mockler's time for questions has expired.

Honourable senators, the *Rules of the Senate of Canada* provide that if Senator Di Nino is to speak now, it will have the effect of bringing the debate to an end. The matter stands in the name of Senator Day, and Senator Day has indicated that he wishes to speak. If Senator Day wishes to speak, he has a right to speak, because the matter has been adjourned in his name prior to Senator Di Nino speaking. If Senator Di Nino speaks, it will bring the debate on this matter to an end.

**Senator Day:** Honourable senators, indeed I wish to speak. I have been doing a lot of work to get ready to speak. I am not ready to speak this evening, and that is why I would like to have the matter adjourned in my name.

**The Hon. the Speaker *pro tempore*:** The motion is in the name of Senator Day, but today we have had debate. Senator Mockler spoke, and there were questions and an exchange from both sides. That being the case, after that debate has taken place, there must be a motion to adjourn.

It has been moved by Honourable Senator Day, seconded by Honourable Senator Banks, that the matter be adjourned in the name of Senator Day. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yea.

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** All those in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** All those opposed to the motion will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** In my opinion, the "nays" have it.

**Senator Day:** Who has it?

**The Hon. the Speaker *pro tempore*:** The "nays."

*And two honourable senators having risen:*

**Hon. Jim Munson:** Fifteen minutes.

**Hon. Terry Stratton:** Fifteen minutes.

**Hon. Lowell Murray:** No. I do believe, if I may say so, that it would take something more than an agreement by the whips to do this in 15 minutes. I have objected on numerous occasions to 15-minute bells for reasons that I think most of us understand, that is, the location of the offices of senators in other parts of town and of the parliamentary precinct. I do not think it is fair to have a bell of any less than 30 minutes.

**The Hon. the Speaker *pro tempore*:** Honourable senators, the *Rules of the Senate of Canada* provide that if there is not unanimous consent to have less than a one-hour bell — and Senator Murray has indicated that he is opposed to a 15-minute bell — it will be a one-hour bell.

**Senator Munson:** Your Honour, the whips agree to 30 minutes.

**The Hon. the Speaker *pro tempore*:** Honourable senators, the whips are now saying 30 minutes. Is leave granted?

**Hon. Senators:** Agreed.

**The Hon. the Speaker *pro tempore*:** The vote will be at 20 minutes after 8, honourable senators.

• (2020)

Motion negated on the following division:

#### YEAS

##### THE HONOURABLE SENATORS

Banks  
Callbeck  
Chaput  
Cools  
Cordy  
Cowan  
Day  
De Bané  
Downe  
Dyck  
Eggleton

Fraser  
Hubley  
Lovelace Nicholas  
Mercer  
Mitchell  
Munson  
Murray  
Pépin  
Poulin  
Robichaud  
Tardif—22

#### NAYS

##### THE HONOURABLE SENATORS

Andreychuk  
Ataullahjan  
Boisvenu  
Braley  
Brazeau  
Brown  
Carignan  
Champagne  
Cochrane  
Comeau  
Demers  
Di Nino  
Duffy

Lang  
Marshall  
Martin  
Meredith  
Mockler  
Nancy Ruth  
Neufeld  
Oliver  
Patterson  
Plett  
Raine  
Rivard  
Runciman



Eaton  
Finley  
Gerstein  
Greene  
Housakos  
Jaffer

Segal  
Seidman  
Stewart Olsen  
Tkachuk  
Wallace  
Wallin—38

### ABSTENTIONS THE HONOURABLE SENATORS

Nil

**Hon. Joseph A. Day:** Honourable senators, thank you for your support of my request to properly prepare for this matter. I have been working diligently on what I believe to be an important subject for the government, namely, supply. We have been working in the Standing Senate Committee on National Finance extensively over the past two weeks. That is why I have not had the time to draw my thoughts together in the manner that I would normally and in the manner you would expect me to.

Second, I will propose a compromise and what I believe to be a friendly amendment that I hope will be accepted in this matter. Preliminary to that proposal, however, I want to say as well that the process in this chamber that I have seen in the years that I have been here has been that when a senator has taken an adjournment and then he or she is not asked to yield by the person who typically takes the matter and speaks on it, the resolution then reverts to the person who had the adjournment. It is a yield-and-revert type of system.

That, honourable senators, is a process His Honour did not follow in this particular instance. In fact, I was not even consulted with respect to the speaker, the Honourable Senator Mockler, who stood up and started speaking. However, I know Senator Mockler and, out of courtesy, I allowed him to continue rather than standing up and saying, "This is in my name: Why is he speaking?" I am disappointed in that process as well.

Honourable senators, that being said and that being put on the record, the friendly amendment I propose flows from Motion No. 84. It is the second paragraph that is the resolution. This is how it reads now:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

What I suggest as a friendly amendment to my honourable colleague begins after the words "call upon." The first part would continue to read "That the Senate of Canada call upon," but then add the words "the Government of Canada to discuss with the Chinese Government the welfare of Mr. Liu Xiaobo." and then delete the balance of the paragraph.

Honourable senators, this is the friendly amendment I propose. If I have some indication that it is likely to be accepted, then I will not go through the points that I have prepared roughly to give you some background in relation to this particular matter and why, in my view, this resolution is highly inappropriate: namely, to ask that someone be released from prison without any

background as to whether it is believed that there is no due process or whether we are saying that the person should be released from prison because he has received the Nobel Peace Prize, thus replacing the judges with the judges of the Nobel Peace Prize.

Was the purpose to have him released from jail so that he could go to Oslo to receive his Nobel Peace Prize, which was the debate at the front end? However, that has long since passed. This chamber should not accept this resolution as it is currently worded, as we should not accept any resolution that is unclear and could be interpreted in several different ways. That is one of my concerns, honourable senators.

• (2030)

I wish to make a point about timing. Some have said that it is very important that we pass this immediately. We often hear that we must pass things immediately, for various reasons. This motion was filed in this chamber on December 7, 2010. The Nobel Peace Prize was awarded on December 10, three days later. However, the announcement that Mr. Liu was the winner was made on October 8. If we wanted him to be released in order that he could receive his Nobel Prize, why was the motion not introduced shortly after October 8 rather than only three days before the ceremony was to take place? The fact is that he had been in prison for a considerable period of time before that. He was arrested on January 23, 2009.

Mr. Liu himself said that he has no enemies and has no hatred. He said that none of the police who arrested him, none of the interrogators who interrogated him, none of the prosecutors who prosecuted and indicted him, and none of the judges who judged him are his enemies. That tells you something about the man. It is absolutely wonderful that the man would say those things but, more important, it tells you about the process. There is no argument that there was not due process, and that, to us, is an important point.

Honourable senators, this man is not Mr. Khadr. Mr. Khadr is being held in Guantanamo Bay prison without due process year after year. This is a person who has gone through due process, and the judicial system is being developed as a result of much work that the Canadian International Development Agency has been doing in the People's Republic of China. We have also helped them in setting up their civil service. We have been doing that for a good number of years. The judiciary is a reflection of the work that we have done with them. Now, in a motion from one of the instruments of the Canadian government, this institution, and we say that the Chinese government should release this man because he received the Nobel Peace Prize. What kind of nonsense is that? That is what this motion says.

Honourable senators, we must either change this motion so that it is acceptable to everyone or we embarrass ourselves by passing the motion. That is my major concern.

I accept Senator Poy's comment that this kind of motion will do nothing for relations that we have been trying to build for a good number of years with the People's Republic of China. I accept the arguments and statements made by Senator Banks with respect to government-to-government. I have been to China on many occasions and have met with people who work in human

rights and are human rights advisers. I have had discussions on human rights in these Parliament Buildings with the Chinese ambassador and a number of members of the National People's Congress. They are never reticent to talk about human rights issues. I can tell that you that what goes on in Tiananmen Square today is nothing like what went on in Tiananmen Square 20 years ago. That area has changed tremendously. They are trying to improve. They ask what they can do to improve, and we provide them with as much advice as we can in that regard. They will take more.

Honourable senators, I hope that my proposed amendment has been prepared and circulated for honourable senators to see.

#### MOTION IN AMENDMENT

**Hon. Joseph A. Day:** Therefore, honourable senators, I move:

That the motion be amended by replacing all the words after "call upon" with the words:

"the Government of Canada to discuss with the Chinese Government the welfare of Mr. Liu Xiaobo."

I am hopeful, honourable senators will accept this amendment, as it is intended as a compromise to try to reach a resolution on this matter.

**The Hon. the Speaker *pro tempore*:** Are honourable senators ready for the question?

**Hon. Jim Munson:** Debate.

**The Hon. the Speaker *pro tempore*:** The Honourable Senator Munson on debate.

**Senator Munson:** Honourable senators, I will keep my comments brief on this very important issue. I respect the right to speak in our Parliament, and I beg to differ from my fellow Liberal senator. Senator Day has his points of view. You have heard me speak in this chamber. Tiananmen Square may look good on the surface today with people going about their business. I would be more accepting of a motion that is government-to-government, although I do not like that either.

Honourable senators, let us look at our very recent history. This motion is not before us because Liu Xiaobo is a Nobel Peace Prize winner. This motion is before us because the man stood up for human rights. This man stood up for democracy and many other things. I met this man in 1989. We know what the welfare of Liu Xiaobo is right now; he is languishing in a prison. He will be there for the next 11 years, and if the world stays silent, he could be there even longer.

I respect the arguments of Senator Day and Senator Poy. However, when the European Parliament speaks, it speaks as a bipartisan parliament; when the U.S. Congress speaks, it speaks as a bipartisan group; when members of the House of Commons speak, they speak as individuals. We are empowered to speak that way.

This statement shows that in this constitutionally empowered body we have every right to make a statement about how we feel. I learned after living in China for five years that we are not

criticizing anyone. We are simply saying that this gentleman has spoken in the way that we all speak in this country each and every day, and we take it for granted. For the words that he has spoken, he has been put into a Chinese prison for 11 years. I have visited Chinese prisons; they are not nice. He cannot speak to anyone now.

Who will speak for Mr. Liu except us?

• (2040)

**Hon. Percy E. Downe:** I will not repeat the comments of Senator Munson because he summed up the issue very well. Senator Day is not only a colleague, but also a friend. We have worked together on many committees. However, on this area, we have to part company. I wonder if Senator Day would consider changing his amendment to the Government of Canada. Rather than the word "welfare," use the words "release of." That might be an even friendlier motion that might have more enthusiastic support from many members of the chamber.

(On motion of Senator Di Nino, debate adjourned.)

#### IMPORTANCE OF CANADA'S OIL SANDS

##### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Eaton calling the attention of the Senate to the benefits of Canada's oil sands.

**Hon. Doug Finley:** Honourable senators, I rise today to speak to Senator Eaton's timely inquiry on the benefits of Canada's oil sands. I applaud her for bringing this topic forward.

Senator Eaton is a fine Canadian. Given her enviable and extensive volunteer record with charitable and arts groups, she may well be regarded as a great Canadian. I am sure I speak for everyone in the Senate when I say that she has been a fantastic addition to this chamber. Her recent speech eloquently detailed why Canadian oil is the most ethical oil in the world.

Today, I will discuss it from a general economic and geo-political angle, including the recent situation in the Middle East and the effect on gasoline prices. I will also counter the arguments of certain disingenuous opponents of Canada's oil sands.

We Canadians do not like to brag. However, I believe that our ethical oil is a topic that we have every right to boast about. To quote former Prime Minister Jean Chrétien, "Syncrude is a great success story." Syncrude is the largest oil producer in Canada. It is a project that Mr. Chrétien approved in 1976. It showed tremendous foresight. The oil sands are a great Canadian success story. By referencing Jean Chrétien, I wish to demonstrate that this issue is not about being a Liberal or a Conservative, but about being Canadian. The oil sands is an inordinately successful project that all Canadians can take pride in.



We have the second largest oil reserves in the world, next to Saudi Arabia. The majority of our oil is located in the oil sands.

Whether we like it or not, the world still needs oil to function. While it is critically important to look at alternative fuels and green energy, there is no known immediate quick-fix solution. Our government has invested significant money in biofuels and renewable energy. We have mandated that gasoline and diesel fuels meet a minimum of 5 per cent biofuel content by 2012. However, realistically, we will need to use oil well into the foreseeable future.

It is important to ask ourselves, do we want Canada to be dependent on dictatorships in Venezuela and the Middle East? We have seen what happened to our economy after the oil embargo in the 1970s. I am old enough to remember the sudden economic devastation wrought by the Organization of Petroleum Exporting Countries on the West. Why should Canada rely on countries with poor human rights records and virtually no environmental standards for a commodity that we can produce here in an ethical fashion?

In this regard, I mention Saudi Arabia, who, along with Iran, Libya and others in the Middle East, is a major current source of the world's oil. The problem is that, not only do these countries have a terrible record on human rights, but also the area is under constant and unpredictable turmoil. I do not consider them a secure, dependable and ethical supply of oil.

Recently, incidents of violence and uprising, even within non-OPEC countries in the Middle East, have led to a dramatic climb in the price of oil. This has led to rising gas prices, which financially hurts Canadians at the pump, with likely future concomitant price increases throughout almost the entire supply chain.

Canadians are now becoming closely acquainted with Libya, an OPEC nation currently undergoing a civil war. Colonel Gadhafi is a man who has slaughtered, and is slaughtering, thousands of innocent people. He is a terrorist financier and supporter, and has a disturbingly long history of anti-Semitism.

Oil is a major industry in Libya. Less than two weeks ago, Colonel Gadhafi began bombing oil wells in a salt the earth strategy to hurt the Libyan people who are rebelling against his rule of tyranny. However, it is not only hurting the Libyan people, but it is also an environmental disaster contributing to rapidly escalating oil prices.

We do not have to depend on such unethical oil. Canada has oil and the industry is advancing significantly, both economically and environmentally.

To put things in perspective, the town of Fort McMurray grew from a town of less than 35,000 people in 1991 to a town of approximately 90,000 people today. Alberta has strict rules when it comes to the oil sands. The oil sands are located below approximately 142,000 square kilometres of land in Alberta. However, the surface mining area is limited to a mere 4,800 square kilometres, of which only 602 square kilometres have been used.

Not only has the surface been restricted to a small portion of the oil sands, but also all of that land must be reclaimed afterwards. The industry is totally committed to this and, thus, has been investing a great deal of money in reclamation projects.

One shining example is Suncor Pond 1, which was a tailings pond for 30 years. Suncor brought in about 65,000-truckloads of soil to create a 50-centimetre layer of soil. They have planted native species of grass in the area. Only last year, Suncor planted 630,000 shrubs and trees. Suncor will monitor the water, soil and vegetation at what is now known as Wapisiw Lookout for the next 20 years to ensure successful reclamation.

Canada employs the highest environmental standards. The workers are paid well and protected under Canadian labour laws. Our country has a proud reputation on human rights. In my view, these things entitle me to proclaim that Canada produces the most ethical oil in the world.

Ethical oil is becoming a household term amongst Canadians. It is about time. For too long, people like David Suzuki have done their best to slander Canada with regard to its oil sands. In my opinion, the media have given Mr. Suzuki and like-minded company a free pass, no matter how outrageous they become. David Suzuki has advocated that the people who disagree with him should be arrested and thrown in jail, as if Canada was a tinpot dictatorship. Typically, countries run that way have proven to have the worst of environmental track records.

• (2050)

When Suzuki compared the government's climate change policy to slavery in an interview on the CBC in 2009, he was barely called out on it. That comparison was disgusting, inappropriate and diminishes the terrible atrocity that slavery was — and in many countries, still is. The CBC did not even bother to put the fruit fly biologist on a seven-second delay, like they have done with certain other so-called controversial commentators.

Furthermore, it was rather interesting to read that James Cameron, the "Canadian director," said that Canada should not be using our ethical oil, but instead be building wind turbines. Sounds great, but he must be living in a three-dimensional *Avatar* dream world if he thinks that overnight this would be able to power our cars and heat our homes. I will cut Mr. Cameron some slack as he has been living out of Canada for about 40 years, which could, in fact, qualify him for the leadership of certain political parties in Canada, but I digress.

Maybe he has forgotten what it is like in Canada during the winter. Perhaps he insists that his hugely powerful cameras and computers work off wind power only; but in the real world, Canadians need to use oil. We can either use ethical Canadian oil while we rapidly and economically develop alternative energy sources, or we can volunteer to be dependent on unethical oil from unreliable foreign dictatorships.

Many of these dictatorships, such as Iran, use the profits from oil to sponsor terrorism. This is a fact that many of our friends to the south tend to forget. It is disappointing to see some U.S. companies boycott ethical clean Canadian oil, yet they would appear to be more than happy to use the oil from terrorist-supporting dictatorships.

Criticism has not only come from misguided companies, but from high levels of the U.S. government. One notable critic of our oil sands has been former speaker of the House of Representatives, Nancy Pelosi. Ms. Pelosi has promised for years to reduce America's dependence on foreign oil. It is a little rich for Nancy Pelosi to want to reduce dependence on foreign oil, yet call the ethical Canadian alternative to foreign oil "dirty."

I might also suggest that it is also extremely difficult to reduce one's dependence on foreign oil when one uses air force jets to gallivant across 90,000 miles, with over 43 flights in the first nine months of 2010. Those jets do not fly on hope and change, Nancy.

Although the people who oppose the oil sands have been given free rein in the media, it is nice to finally see the term "ethical oil" making headway. People such as Ezra Levant, Senator Eaton and others are informing Canadians and people all around the world with facts about this Canadian success story. These facts counter the baseless rhetoric of the duplicitous opponents of Canadian oil.

Their efforts at advocacy have not gone unnoticed. We have seen a dramatic shift, in particular with the United States, in regard to their views on Canadian oil. In 2008, then Senator Obama called Canadian oil "dirty, dwindling and dangerously expensive." That was, first, untrue on all three counts. Second, it was obviously not something that we needed or wanted to hear from a potential president of a friendly ally.

In October of 2010, the very month that this inquiry opened, Secretary of State Hillary Clinton stated she preferred our oil to Persian Gulf oil, demonstrating a clear change of direction and hope for the Obama Administration. Unfortunately, she still labelled Canadian oil as "dirty."

This month, however, during hearings held in the United States Senate, when Secretary of State Clinton was asked about supporting a pipeline of Canadian oil to the United States, she responded that she was generally supportive of receiving more Canadian oil.

This is good news for Canada, and I applaud ministers Kent and Van Loan and the Prime Minister for continuing to push Canadian oil. Prime Minister Stephen Harper defined the United States situation quite clearly in February:

The question facing the United States, is whether to increase its capacity to accept such energy from the most secure, most stable and friendliest location they can possibly get that energy, which is Canada, or from other places that are not secure, stable or friendly to the values of the United States.

Honourable senators, in conclusion, the Canadian oil sands are a great bipartisan success story. They provide enormous economic benefits and the oil is produced with the environment, human rights and labour laws in mind. Canadian oil is produced in a stable, secure and democratic atmosphere, with no possibility of oil profits sponsoring terrorism.

Despite the fact that opponents have waged a smear campaign against Canadian ethical oil, the facts are finally coming to light. We are seeing a shift in American policy in regard to the oil sands and this is great news for Canada.

Naturally, I rejoice in this and would sincerely hope that all members of this Senate, indeed all Canadians, would rise in proud support for Canadian ethical oil.

**The Hon. the Speaker *pro tempore*:** Senator Finley, will you accept a question?

**Senator Finley:** Yes.

**Hon. Romeo Antonius Dallaire:** Honourable senators, I lived for many years in a town called Montreal East. Montreal East was the fourth-largest petrochemical town in North America for many decades. It had seven refineries in it. That is where the Canadian government put wartime housing for the veterans, in the middle of all that petrochemical mess.

However, still today, the oil that is refined in the one remaining refinery is oil that is not coming from our ethical source out West, but it is coming from Venezuela. What does the honourable senator think of us buying oil from a country like Venezuela, where the president is in bed with people like Gadhafi?

**The Hon. the Speaker *pro tempore*:** Before the honourable senator speaks, I must remind him that his time for speaking has expired. Is the honourable senator going to ask for more time?

**Senator Finley:** I would ask for five minutes.

**The Hon. the Speaker *pro tempore*:** Is it agreed?

**Hon. Senators:** Agreed.

**Senator Cools:** We agree happily.

**Senator Finley:** Thank you, Senator Cools.

Senator Dallaire, obviously, based on what I just said with regard to Venezuela and with regard to imported oil, I realize that there are certain economic reasons why corporations may continue to do this, transportation costs being a considerable characteristic here.

If I were able, to cure the problem immediately in the short term, as many environmentalists would like to do, I would say, absolutely, I am opposed to the importation of such oil. I recognize that these things cannot happen overnight and that there will be transition. I would hope that all of us would do everything in our power to allow for commercial enterprises to allow that transition to take place.

However, in principle, I absolutely agree with Senator Dallaire. If we can produce the oil, then that is the oil that we should be using, with absolutely nothing coming from Venezuela.

**Senator Dallaire:** I am not sure we are allowed to have it both ways, honourable senators. One cannot say that we are producing ethical oil, that we have to sell it to the United States, that it is



good business, and that it is helping the economy of Canada, which is all very positive, and then also argue that because it is not economically or business wise, we will import oil from an outfit like Venezuela.

It is not as if we have only been importing that oil over the last three years. We have been importing that oil for the last 60 years.

• (2100)

Can the honourable senator tell me why it is not possible to move that ethical oil from out West to the East and have it refined here? In so doing, we could meet the same standards the honourable senator wishes to impose on our nation of not being engaged in unethical oil. We could pursue our own ethical oil and have Eastern Canadians take advantage of it as well. It might even override the business sense that seems to override ethical decisions. In a facile way, it seems to override the moral decisions upon which the honourable senator is basing his argument of ethical oil.

**Senator Finley:** Honourable senators, the points made by Senator Dallaire are extremely good, as usual. I am not prepared to give the honourable senator a facile answer, which would be to say, "stop it," in an ideal decision. These decisions are not mine. Quite clearly I would prefer that the oil extracted from the oil sands be used universally in Canada. I am not as expert as some in this chamber in all of the economic issues of the oil industry, so I would have to say that while I agree in principle with Senator Dallaire, I cannot necessarily give him a factual economic argument for that.

Again, I will go back to the fact that while I believe very strongly in the development of alternate fuels technology energy production, I am realistic enough to know it cannot happen overnight. Venezuela has not always been a terrorist-sponsoring nation; that is a relatively recent development in their history. I used to spend a lot of time in Venezuela working around Lake Maracaibo, where a lot of this oil is produced. It certainly was not being produced by a terrorist-supporting government. However, I agree with the honourable senator in principle.

**Senator Dallaire:** Honourable senators, last spring, we voted to support using foodstuffs, or land that can produce foodstuffs, as an alternative energy to supplement the use of carbon-based oil or ethanol. I believe that was presented by Senator Brown. All senators voted in favour except me. I ethically felt that one could not use land or resources that produce food to produce fuel when we know that people are without food. The price of food is rising in the world. We could not do that simply to have an alternative to using carbon to keep our trucks going.

I was told not to worry about it. However, the price of food has drastically increased. The Americans are producing corn and —

**Hon. Senators:** Order, order!

**The Hon. the Speaker *pro tempore*:** Senator Dallaire asked whether he had time. I regret to inform him that his time has expired.

**Senator Dallaire:** I gathered that. Thank you.

(On motion of Senator Comeau, debate adjourned.)

[ Senator Dallaire ]

## THE SENATE

### MOTION TO URGE GOVERNMENT TO REVERSE ITS DECISION TO REPLACE THE NATIONAL LONG-FORM CENSUS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Hubley:

That the Senate, recognizing that the National Long Form Census is an irreplaceable tool for governments and organizations that develop policies to improve the well-being of all Canadians, urge the Government of Canada to reverse its decision to replace the long form census with a more costly and less useful national household survey.

**Hon. Catherine S. Callbeck:** Honourable senators, this item stands in the name of Senator Di Nino, but I have spoken to him and he has agreed I might speak on this item and that it would then be adjourned in his name.

Honourable senators, I am certainly pleased to rise tonight and support the motion put forward by Senator Cowan that calls for the reversal of the Government of Canada's decision to abandon the long-form census. Sadly, it is now too late for the government to do the right thing this year and reverse the decision. Earlier this month, Chief Statistician Wayne Smith noted to a committee in the other place that preparation for the 2011 National Household Survey is past the point of no return; they do not have time to go back to the full and reliable long-form census.

The government's decision to do away with the long-form census was done without consultation and input. It flies in the face of many hundreds of Canadian businesses, organizations and professional and charitable groups that rely on the data provided by a reliable census. It also runs counter to the many hundreds of thousands of Canadians who oppose the elimination of a long-form census.

Honourable senators, for decades Statistics Canada has been a highly trusted, reliable and objective source of vital information about the lives of Canadians. Since its introduction in 1971, the long-form census has provided objective, reliable data. The elimination of this long-form census threatens to undermine the long recognized, respected reputation Statistics Canada maintains, both in this country and internationally.

The financial aspect is also difficult to comprehend. It will cost considerably more to administer this new survey. As Senator Cowan pointed out in his remarks, *The Canadian Press* on December 14 reported that the total cost of 2011 census could reach \$660 million, which was confirmed by the Chief Statistician during an interview with *The Globe and Mail*. On the other hand, the 2006 census cost \$573 million, including \$43 million for software and equipment. That is a lot of extra money for data that will be less reliable.

A long-form census is a basic source of information for the country and society as a whole. It provides invaluable data and information that affect the lives of all Canadians. Governments use the long-form census to determine housing needs, calculate transfers and offer services. Non-governmental and community organizations use the data to focus their efforts to determine who needs help the most.

We all need this information to be as reliable as possible. However, it is expected that this new voluntary survey will not be able to provide adequate or reliable data. We have to worry about whether the results can be trusted. If that is the case, all Canadians will lose a vital source of information.

Honourable senators, whether you are a business planning expansion; a municipal government concerned with urban development; a university or school board projecting enrolment; or a social, cultural or economic group advancing policies; you might no longer be able to rely fully on the data provided by Statistics Canada.

There is a crucial need for detailed, reliable data. Elizabeth Beale, President of the Atlantic Provinces Economic Council, said her organization, along with business development groups in Atlantic Canada, rely heavily on the long-form census results. She has said that the voluntary survey will not provide the same level of reliability.

The reasons for the elimination of the long-form census have no foundations.

**The Hon. the Speaker *pro tempore*:** Order! Could I ask that the conversation happening do so outside of the chamber? Senator Callbeck has the floor and it is difficult to hear.

**Senator Callbeck:** The reasons for the elimination of this long-form census form have no foundation. Those who proposed the elimination of the long-form census have said it is too great an intrusion on privacy. Yet, in the entire history of the census, there have actually been very few complaints. After the 2006 Census, Statistics Canada received no complaints at all about the long-form census being mandatory. There were only 138 complaints across the country about the questions themselves.

Not many other government programs can claim that level of satisfaction.

If the government was really concerned —

**Hon. Jane Cordy:** Order.

**Senator Munson:** Honourable senators, I cannot hear. I know we are all talking about the polls and that there might be an election, but I cannot hear the honourable senator.

• (2110)

**Senator Callbeck:** If the government were really concerned that people can face prison terms for failure to comply, there is a simple remedy, one that has already been proposed: Change the law.

There are a number of other issues associated with the elimination of the long-form census. In addition to providing a reliable snapshot of the state of Canadian society at a given point in time, the long-form census serves as the basis for other important surveys, such as the Labour Force Survey, which is used to measure levels of employment and other key aspects of the labour force. The elimination of the long-form census undermines the capacity to evaluate our entire system of social and economic statistics.

In addition, the new voluntary methodology of collecting census data will make it impossible to make comparisons with the past and future data. Simply put, we cannot compare apples to oranges. There will be growing controversies about the reliability of the data.

The proposed voluntary form is not an acceptable replacement for the mandatory long-form census. This measure by the Government of Canada does a gross disservice to Canadians.

**Some Hon. Senators:** Hear, hear.

(On motion of Senator Di Nino, debate adjourned.)

## EMPLOYMENT INSURANCE

### MATERNITY AND PARENTAL BENEFITS— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the need to adequately support new mothers and fathers by eliminating the Employment Insurance two-week waiting period for maternity and parental benefits.

**Hon. Jane Cordy:** Honourable senators, I spoke with Senator Wallin yesterday as a courtesy and notified her that I would be speaking on the inquiry today, so I ask that the debate be adjourned in her name when I finish speaking.

**The Hon. the Speaker *pro tempore*:** Is that agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Cordy:** Honourable senators, I would like to speak today in support of Senator Callbeck's inquiry into the elimination of the Employment Insurance two-week waiting period for maternity and paternal benefits.

It is no secret that women have faced barriers and limitations in contributing to, and benefiting from, our economy. As women's participation in the labour force has increased, so too have maternity and parental benefits been expanded to provide better economic security to parents and families.

In 2001, the Liberal government increased the maternity and parental benefits to 50 weeks. That increase was a huge benefit to families. Not only do maternity and parental benefits provide a



vehicle for women and families to maintain some financial security following the birth of a child, research shows that allowing parents to spend more time with young children also has beneficial long-term effects on the children themselves.

Another important change to the Employment Insurance program to benefit new parents was that, as of January of this year, self-employed Canadians now can opt voluntarily into the Employment Insurance program. Those who choose to pay into the EI program will be entitled to the same maternity and parental benefits that all paid employees have access to. That change has not only provided financial security to new parents but it has also removed a major barrier for women entrepreneurs and, hopefully, it will help promote more women entrepreneurs in the Canadian economy.

Our current national program of maternity and parental benefits provided through the EI program provides up to 55 per cent of a parent's employment income after the birth of a child. A total of 50 weeks are available for support. The proposed elimination of the two-week waiting period would not extend the 50 weeks of benefits; it would just allow the parent to apply for their benefits two weeks earlier. This change would not increase the amount in benefits that the parent would receive.

It was argued that two short weeks of wait time without income does not seem unreasonable. For most new parents, that may be the case. However, honourable senators, sadly, too many Canadians live in a low-income situation. Single-parent families are four times more likely to live in a low-income situation than two-parent families, and 80 per cent of single-parent families are headed by women.

These Canadians will benefit the most from this change, where a gap of two weeks, unfortunately, can be financially stressful for low-income new parents, and especially single mothers.

I would like to reiterate my support for Senator Callbeck's inquiry. This change requires no additional funding and can be easily accomplished through an administrative change. The removal of the two-week waiting period for maternity and parental benefits will help to assist those Canadians who need it the most. Low-wage workers do not have savings to rely on, and allowing those expecting a new baby to start maternity or parental benefits without waiting for two weeks makes sense.

**The Hon. the Speaker *pro tempore*:** Will the Honourable Senator Cordy accept a question?

**Senator Cordy:** Yes, I will.

**Hon. Catherine S. Callbeck:** I listened with great interest to the honourable senator's comments on this important topic, and I agree with what she has said. If that two-week waiting period for parental benefits was done away with, it would be helpful for families, especially low-income families.

Senator Wallin spoke in this chamber regarding this inquiry, and here is what she had to say about this two-week period.

She said:

This period also allows for the time needed to verify and establish a claim. It serves an important administrative purpose inasmuch as it allows for the proper processing and verification of claims and eliminates the short claims that would be, relatively speaking, very costly to administer.

I cannot understand why the elimination of this two-week period has any bearing on following proper procedure for processing claims. On the other point she made about short claims, my understanding is that short-term claims are three to four weeks, and maternity and parental benefits are not short term. That is my understanding. I would like to hear the honourable senator's comment.

**Senator Cordy:** I thank the honourable senator for the questions. I will start with the first question about the comment that the administration would be held up if the two-week waiting period were done away with. I cannot imagine that it would cost any more administratively, whether there is a two-week waiting period or none. I have confidence that the competent officials working at Service Canada would be able to administer the program in a timely way.

I know people currently are waiting up to 28 days to receive their first cheque. That is a long time for low-income people to wait. Surely, if a woman goes to the Service Canada office to start her claim and she is eight months pregnant, the claim could be started early. If someone walks in and they are eight months pregnant, they would know that this would not be a scam and that the person will be applying for, in the first case, maternity benefits for the 15 weeks that are allowed, and in addition to that, the parental leave. I cannot see that as an argument for not doing away with the two-week wait time to allow people to collect benefits immediately. They may not receive benefits immediately, but at least when they start to receive them, the benefits would be retroactive to the first day off. I do not see that the administrative costs will grow because the two-week period would be done away with. The administrative costs would be the same whether there was a two-week waiting period or not, so I cannot see that argument at all.

The honourable senator talked about the short-term claims. I believe she said that Senator Wallin said short-term claims would be more costly. If there is any claim that we know would be lengthy, it would be maternity or parental leave. Maternity leave would be 15 weeks, or the remainder of 35 weeks, which can be taken by the mother or the father and would be a continuation of that claim. To me, 50 weeks would certainly not be a short-term claim. In fact, my guess is that would be one of the longer claims under the EI provisions.

• (2120)

**The Hon. the Speaker *pro tempore*:** Honourable senators, by agreement, this matter stands adjourned in the name of Senator Wallin.

(On motion of Senator Wallin, debate adjourned.)

## EROSION OF FREEDOM OF SPEECH

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Finley calling the attention of the Senate to the issue of the erosion of Freedom of Speech in our country.

**Hon. Mobina S. B. Jaffer:** Honourable senators, Inquiry No. 8 is in Senator Comeau's name. I have spoken to him, as a courtesy, and he said I should speak on it today. It would then go back under his name.

Honourable senators, I rise today to speak with regard to the inquiry on the erosion of freedom of speech in Canada. This matter was brought to the Senate last year by the Honourable Senator Doug Finley and has been commented on by many honourable senators since. I believe all our discussions have been truly productive and much needed. In a democracy, we have an obligation to extensively discuss matters as such and listen to the varying viewpoints.

I believe, here in Canada, the issue at hand is not so much with the concept of freedom of speech itself, but rather its precise definition and limitations. This is where the point of disagreement emerges.

During the course of the debate in the Senate, I have noticed two prevalent schools of thought in relation to the matter of freedom of speech. The first one interprets freedom of speech as allowing a person to say anything they want without fear of limitations or repercussion. If there are any, they are minimal at best. In the second, an individual still has the right to say what they want, but within a certain structural framework.

Under this structural framework, one has the right to their freedom of speech, but must be cautious and aware that their exercise of said freedom does not infringe upon or impede upon another Canadian's fundamental rights and freedoms. This is not to say that one is being restrictive in terms of expressing themselves, but rather, that one works within a framework of caution so as to protect Canadians at large.

Specifically, I believe this framework of caution to be with regard to defamation and hate speech. An individual should be allowed to speak, but they should be cautious that their words neither not incite nor are seen as defamation or hate speech. I believe all honourable senators can agree that the effects of words in a negative light can have great impact on individuals, groups and society at large.

Recently I returned from Kenya and I witnessed firsthand the terrible destruction of lives and property as a result of hate speech. Even today, many innocent Kenyans are sitting in internally displaced persons camps, or IDP camps. The inmates have been referred to the International Criminal Court, but the Kenyan government is resisting this referral.

Honourable senators, yes, hate words can kill. Having just returned from Kenya, I witnessed the pain of families who lost family members, killed because of words of hate by some of their leaders.

I want to highlight here the 1990 Supreme Court case of *R. v. Keegstra*, which deals with the restrictions of free speech under certain situations. I will cite University of Windsor Law Professor Richard Moon's analysis of the case.

For 10 years, James Keegstra, a high school teacher from Alberta, taught his students that Jews are "treacherous, subversive, sadistic, money-loving, power hungry and child killers."

When Mr. Keestra's statements were made public, he was dismissed from his post and a year later charged under subsection 319(2) of the Criminal Code with wilfully promoting hatred. Keegstra challenged the constitutionality of subsection 319(2), suggesting it violated his freedom of expression under the Charter of Rights and Freedoms.

Chief Justice Dickson, writing for the majority of the Supreme Court of Canada, accepted that subsection 319(2) of the Criminal Code restricted expression and thus the provision violated freedom of expression under section 2(b) of the Charter. However, he found that the restriction was justified under section 1, the Charter's limitation provision, because, first, it limited "a special category of expression which strays some distance from the spirit of section 2(b)"; second, it advanced the important goal of preventing the spread of racist ideas; and, third, it advanced this goal rationally and with minimal impairment to freedom.

This landmark Supreme Court decision emphasized that the right to free speech in Canada is not an open-ended right, but one that should operate within a certain framework of caution. Such a system protects and promotes the rights of not only a few individual Canadians, rather all Canadians. Honourable senators, I agree that the rights of all Canadians should be protected.

After Senator Finley first spoke on the matter of freedom of speech last year in the Senate, Senator Chaput asked Senator Finley:

... at what point does freedom of expression go too far and can it go too far?

For example, is it not an abuse of the freedom of expression to incite hatred in others, or cause feelings of rejection or destruction?

Senator Finley agreed that it was a very thin line indeed. He suggested that:

If the line is crossed to the extent that it is clearly a hate crime, in other words, if someone counsels or encourages some kind of unrest or malice towards someone based on gender, creed, race or religion, then I agree that line has been crossed.

He further went on to state:

However, this is why I would like to see a debate to define our view as to what is appropriate or not. That should be part of the debate.



I agree with Senator Finley in that, within the current framework, there may be instances of uncertainty with regard to what defines the "line." Because of this, in some situations we disallow individuals from practising their right to freedom of speech or punish them for doing so when, in fact, we should not. Thus, for certain circumstances, we need to clearly define our views as to what is appropriate and what is not.

In the debates we have had thus far, two particular issues have repeatedly been discussed, the first being the improper actions of both human rights commissions and tribunals in relation to freedom of speech in Canada, while the second relates to the matter of the redefinition of subsection 13.1 of the Canadian Human Rights Act.

With regard to the commissions and tribunals, while there have been a number of negative references made in terms of specific freedom of speech issues these institutions have undertaken and/or judgments they have delivered, the general mandate and operations of such institutions are invaluable to the human rights framework within Canada.

I want to highlight a specific example here. In his October 2008 report to the Canadian Human Rights Commission concerning section 13 of the Canadian Human Rights Act, Professor Richard Moon refers to the 1996 complaint brought against Ernst Zundel, a Canadian resident who oversaw the operation of a U.S.-based website that promoted hatred against Jews.

In 1996, section 13 of the Human Rights Act prohibited hate messages that were communicated "telephonically." However, at that time, the term did not specifically apply to the Internet. It was the Canadian Human Rights Tribunal, through their work on this matter, that determined that section 13 did in fact apply to the Internet because it operated through the telephone system. Professor Moon wrote:

According to the tribunal, the term "telephonically" should not be understood as limiting the application of the section to "the precise sensory format" or to "the particular device used for communication."

In 2001, the federal government amended section 13 of the Canadian Human Rights Act by adding subsection (2), which prohibits hate speech on the Internet.

Honourable senators, it was because of the tribunal's particular actions then that the Canadian Human Rights Act is able to provide a greater level of protection to all Canadians now.

Human rights commissions and tribunals may have shortcomings, but they have played and continue to play a crucial role in the development of human rights in this country. We need them.

In terms of the second point, Senator Finley has proposed that he wants to re-define subsection 13.1 of the Canadian Human Rights Act.

• (2130)

As Senator Nancy Ruth has stated, this section:

... prohibits the repeated electronic transmission of messages that are likely to expose an individual or a group of individuals to hatred or contempt based on a prohibited ground of discrimination.

This includes:

... race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for which a pardon has been granted.

Honourable senators, section 13(1) of the Human Rights Act is essential to Canadian society. It was constructed in a precise way so as to protect the rights and freedoms of all Canadians by establishing a general environment that prohibits the spread of hatred or contempt.

I believe all honourable senators would agree that these ideals are detrimental to Canadian society. In addition, as Senator Nancy Ruth has highlighted, the definition of "prohibited ground" under section 13(1) of the Human Rights Act is very comprehensive so as to protect the largest number of Canadians.

If a redefinition were to occur, then section 318 and 319 of the Criminal Code would be the only other legal mechanism providing definitions of prohibited grounds. These limited provisions only protect on the basis of race, religion, ethnic origin and sexual orientation. This lack of a comprehensive definition is truly counterproductive and must not be used under any circumstances.

Honourable senators, freedom of speech is one of the vital pillars that has allowed this great country of ours to develop to such a great extent. This freedom, in partnership with other fundamental rights, has allowed Canada to be a leader of human rights in the world. We have worked hard to create federal and provincial frameworks that operate succinctly with one another, so as to provide the greatest level of protection for Canadians. The Charter of Rights and Freedoms is one of these frameworks. Human rights commissions and tribunals are one of these frameworks, and every carefully written section of the Human Rights Act is also one of these frameworks.

I accept that there are shortcomings in some of these structures and, due to this, Canadians may not be receiving the utmost protection possible. This needs to be fixed. We must work to improve upon the already existing human rights structures we have by making appropriate reforms as we see necessary. What we should not do is break down or get rid of the institutions others have worked so hard to build. Doing so would be a step backwards for human rights in this country.

Honourable senators, we all agree that Canadians should have the right to freedom of speech, but it is the limits to which this freedom can be practiced with which we have issues. I hope that, through our work on this matter, we can move closer toward a conclusion where not only we, but all Canadians, are not impacted by words used to demean them.

All Canadians are deserving of respect. That is a Canadian core value. A value we are all proud of.

Freedom of expression, yes, absolutely, but this does not include the freedom to spread hate. The spreading of hate is not a Canadian value. Respect for our diversity is a value we are proud of.

**The Hon. the Speaker *pro tempore*:** Is it agreed, honourable senators, that the matter revert to the name of Senator Comeau?

**Hon. Senators:** Agreed.

(On motion of Senator Comeau, debate adjourned.)

## OLD AGE SECURITY ALLOWANCE

### INQUIRY—DEBATE ADJOURNED

**Hon. Catherine S. Callbeck** rose pursuant to notice of February 8, 2011:

That she will call the attention of the Senate to the inequities of the Old Age Security Allowance for unattached, low-income seniors aged 60-64 years.

She said: Honourable senators, I rise today to speak about an inequity in the Old Age Security program that I believe should be corrected.

Here is the problem: A low-income senior aged 60 to 64 can receive an allowance if their spouse is receiving the old age pension and the Guaranteed Income Supplement. A low-income senior aged 60 to 64 can receive the allowance for the survivor if they are widowed, but a low-income senior aged 60 to 64 who has never been married or is divorced or separated is not eligible to apply.

This policy does not seem fair, because some seniors between 60 and 64 are eligible for an allowance and some are not. We should not treat some differently from others, especially when low-income seniors need all the help they can get.

Let me explain these benefits. The allowance and the allowance for the survivor are two components of the Old Age Security Program.

The allowance was introduced in 1975. It is targeted to individuals 60 to 64 whose spouse is a recipient of the basic OAS pension, plus the Guaranteed Income Supplement. Together, the couple are considered "low income." The OAS allowance can be worth up to a maximum of \$961.18 per month.

The allowance for the survivor was introduced in 1985. It is designated to help widows and widowers, 60 to 64, who have a low income. The current maximum allowance for the survivor monthly benefit is \$1,065.45.

There is no doubt that we have made great strides with the introduction of these two benefits. They help countless individuals, aged 60 to 64, reach a level of income that makes

them a bit more comfortable, but we should include those low-income seniors who are 60 to 64 and unattached. I believe these individuals are being treated unfairly and that the federal government should make changes to ensure that all low-income Canadians aged 60 to 64, who qualify, are eligible for the allowance.

We read over and over again that unattached seniors, especially women, are the most likely to be poor. In its first interim report the Special Senate Committee on Aging, which was chaired by Senator Carstairs, noted that single seniors over 65 are 10 times more likely to be living in poverty than seniors living in families — 16 per cent of single seniors compared to just 1.6 per cent living in families. The report also indicated that single senior women are twice as likely to have a low income as men.

A few months ago, new statistics on seniors and poverty were released by Campaign 2000. These figures show that the number of seniors over 65 living below the poverty line increased from 204,000 seniors to 250,000 between 2007 and 2008. The report also shows that women were the hardest hit. Senior women represented 80 per cent of the increase of those living below the poverty line.

While these figures are for seniors over the age of 65, we know that many Canadians face challenges in the years leading to official retirement. CARP, the national advocacy organization, noted in its pre-budget submission that older women can and do face retirement with less income. Their wages may be lower when or if they worked. They live longer than men, and therefore may outlive their financial savings. Many women spend some of their working years providing informal care-giving services that limit their ability to accrue sufficient retirement income.

CARP also notes that the problem is made even worse because the OAS allowance for people aged 60 to 64 does not include individuals who are single, divorced or separated. As such, the organization has recommended that the federal government do more to reduce poverty rates among older and retired Canadian women by providing low-income, single, divorced or separated women between the ages of 60 to 64 with supplementary income. The government could easily implement this recommendation by expanding the OAS allowance for all low-income, unattached seniors.

CARP is not the only national organization that raises this issue. The Canadian Association of Social Workers included the following in its submission to the federal government:

Since the CPP retirement pension is available at age 60, it would make sense to eliminate the marital status limitation in the Allowance of the Old Age Security system and make benefits available to all low-income persons aged 60 to 64, regardless of marital status.

• (2140)

I agree with the Canadian Association of Social Workers. It is unacceptable that the federal government is excluding one group of people for much-needed assistance based on marital status. This policy creates two classes of senior. It penalizes those who have never married or who have been divorced or separated.



All low-income individuals in the age group 60 to 64, regardless of marital status, should be eligible to receive this added income. I urge the federal government to expand the criteria so that all low-income people aged 60 to 64 are treated fairly.

(On motion of Senator Robichaud, debate adjourned.)

## VOLUNTEERISM

### INQUIRY—DEBATE ADJOURNED

**Hon. Terry M. Mercer** rose pursuant to notice of March 10, 2011:

That he will call the attention of the Senate to Canada's current level of volunteerism, the impact it has on society, and the future of volunteerism in Canada.

He said: Honourable senators, it is a pleasure for me to speak this evening on my inquiry on volunteerism. It is spurred on by my sitting on the Special Senate Committee on Aging, and our travels across the country, meeting with people in every province and territory to talk about the problems of people who are aging; as well as in our travels with the Standing Senate Committee on Agriculture and Forestry, in our study on rural poverty, at which meeting the issue of volunteers came up; as well as my 35 years of working with volunteers and my over 40 years of being a volunteer.

Honourable senators, this matter is very close to my heart and is probably close to the hearts of many here. Volunteering is an integral part of Canadian culture. As parliamentarians, we understand there are always economic, cultural and social changes within Canada, but how does this affect the volunteer community? I want to take this opportunity to review the sector and provide some insight into how it works and what we can do to improve it.

In understanding the changing patterns in who is volunteering and what they are volunteering for, we would have a greater understanding of the causes and issues that are important to Canadians. Ultimately, anything we can do to increase volunteerism would definitely contribute to a better Canada.

There have been several studies on volunteering in Canada over the past decade. The studies focus more often than not on the relationship between a person's age and the likelihood of their participation in volunteer activities. There are, of course, a variety of factors such as an individual's marital status, income, and the participation in religious activities, education, and even previous experiences that affect why and how people volunteer.

What is really important to note is that, in spite of the significant number of volunteers, the majority of the work is still done by very few people. In 2004, there were 11.8 million volunteers who contributed approximately 2 billion hours of volunteer service. In terms of what that would mean in jobs, honourable senators, that is approximately 1 million jobs in this country. In 2007, the number of volunteers in Canada rose to 12.5 million people.

What is interesting is that as individuals age the amount of people volunteering declines. At the same time, as volunteers age the average amount of volunteer hours contributed increases. Put

another way, as the amount of people who can volunteer ages, they are less likely to volunteer, but those who continue to or begin volunteering do it more often.

Young Canadians under 30 usually have the largest volunteer participation. However, they also contribute the least amount of hours on average. The second age group to have the highest level of participation are individuals between the ages of 30 and 44. Their participation is usually dependent on their marital status or whether or not they have children. Finally, there are the elderly, people over the age of 65, who contribute the greatest quantity of hours but the least amount of volunteers.

Generally, it seems the more education and higher income an individual has, the more likely they are to volunteer. However, on average, the people with lower incomes, even though they represent a smaller portion of the volunteer population, actually contribute a greater percentage of the volunteer activity.

Honourable senators, there are many areas in which a person can volunteer. People can volunteer for organizations that help religious groups, recreational activities such as sports and political campaigns, to name a few. These volunteers are an integral part of our communities and without them our society could not function as well as it does. If events happen, as we predict tomorrow in the other place, we are all going to be interacting with tens of thousands of volunteers across this country for our political parties. We should remember that they are volunteers and to thank them for their participation. It is a very important service that they offer to all of us and to all of our political parties.

**Some Hon. Senators:** Hear, hear!

**Senator Mercer:** Given that the volunteer sector is entirely dependent on the participation of Canadians, it is not surprising that the most important issue facing the sector is demographic change. Canada is aging. As we learned from our study undertaken by the Special Senate Committee on Aging, the number of people aged 100 or older, for example, increased 50 per cent between 1996 and 2006, and is set to triple to more than 14,000 by 2031.

The proportion of persons aged 65 or over in Canada was 8 per cent in 1971, and it is 13 per cent today. It is projected that by 2031, 1 in 4 Canadians will be 65 years of age or over. Meanwhile, Canadians are also having fewer babies.

Since my career has relied heavily on the volunteer sector, testimony about the need for a strong voluntary sector during the hearings of the Aging Committee was very important. Seniors benefit from a strong volunteer sector, both as contributors and as beneficiaries. Volunteers provide a sense of service for seniors, but volunteering also allows society to tap into the skills and knowledge of older Canadians. Even so, to help the volunteer sector grow, we need to encourage volunteerism throughout all age groups and remove barriers to volunteering, not only for our aging population but everyone in Canada.

During the committee, we examined numerous ways to increase volunteerism and encourage the federal government to show leadership by promoting volunteerism within the federal public service. We also recommended working with the volunteer sector to identify mechanisms to recognize and reimburse out-of-pocket expenses incurred by volunteers.

Honourable senators, volunteers have several reasons for participating in their activities. The most common reasons why people volunteer are to gain skills and knowledge, or that they are personally affected by an issue or know someone who is personally affected by an issue. Also, people want to give back to their communities by volunteering.

Canada's volunteer sector is in need of a comprehensive review. As parliamentarians and Canadians, we need to increase our understanding and encourage more people to volunteer. We need to help the sector enhance its capacity to provide such needed services to our families and to our communities.

As stated in Volunteer Canada's recent report, the lives of Canadians from coast to coast are touched by volunteering every day. It is an enriching experience both for the volunteers as well as the beneficiaries of the contribution of volunteers. We would do well to take notice.

I know honourable senators will join me in thanking every volunteer who makes a difference in our communities. I encourage all honourable senators to take part in this inquiry either as we continue or when we come back after the election.

(On motion of Senator Jaffer, debate adjourned.)

• (2150)

## THE SENATE

### MOTION TO URGE GOVERNMENT TO ASK THE UNITED NATIONS TO END THE IVORY COAST CONFLICT—DEBATE ADJOURNED

**Hon. Roméo Antonius Dallaire**, pursuant to notice of March 8, 2010, moved:

That the Senate of Canada call upon the Government of Canada to increase its support for the United Nations in resolving the ongoing political conflict in the Ivory Coast and that the Government also recognize and implement the doctrine of Responsibility to Protect in order to mitigate the potential for a catastrophic humanitarian disaster in that country.

He said: Honourable senators, I will simply make introductory remarks on my motion and continue with the remainder of my time at a later date. I had originally planned to speak longer, being influenced by the hockey game between Boston and Montreal — which has ended with Montreal losing 7-0 to Boston — I was irritated enough to do the long version, but I will refrain from that and make only a few points.

My motion is to the effect that the Senate of Canada call upon the government to implement the doctrine of responsibility to protect by increasing its support for the United Nations in resolving the ongoing political crisis in the Ivory Coast.

I will not touch on responsibility to protect this evening, because I want to speak in more depth on that. As a member of the Secretary-General of the United Nation's Advisory Board on

Genocide Prevention and Responsibility to Protect, I want to follow up on Senator Andreychuk's intervention in support of her leader. I will save that for the next time and concentrate specifically on the conflict.

[Translation]

Last week, in a demonstration of prompt and immediate action we have never seen before, the United Nations Security Council adopted Resolution 1973 authorizing a no-fly zone over Libya, as well as all other measures needed to protect the civilian population, whom Colonel Gadhafi has sworn to kill.

Prime Minister Harper demonstrated Canada's commitment to helping the Libyan people by announcing the deployment of six CF-18 fighter jets to support allied efforts to enforce the no-fly zone over Libyan airspace. This has already proven successful.

When making the announcement, the Prime Minister concluded — and I quote:

One either believes in freedom, or one just says one believes in freedom. The Libyan people have shown by their sacrifice that they believe in it. Assisting them is a moral obligation upon those of us who profess this great ideal.

I would add that we also have a strategic, national interest in helping any imperilled populations that are peacefully demanding the same basic human rights enjoyed by everyone in all democratic societies.

[English]

To that end, I wish to draw the attention of honourable senators to the deteriorating situation in the Ivory Coast. While we meet, the situation evolves ever closer to civil war. Daily attacks on civilians, including reports of forced disappearances, rapes and torture, continue and the death toll far exceeds the UN confirmed count of 462. Fighting between the forces loyal to the incumbent president Laurent Gbagbo and those allied to the internationally recognized legitimately elected president Alassane Ouattara has increased. The use of heavy weapons, including attack helicopters and rocket launchers, and widespread population displacement paralleled by hate speech and incitement to violence are worrying indicators of a deepening crisis with the potential for ethnic cleansing and other mass atrocities.

Our tolerance to Gbagbo's defiance is a slap to the face of the international community. If we cannot defend democratically certified election results in countries where such uncertainties pose grave risk to the civilian population and, likewise, present enormous opportunities for tyrants and autocrats to hold on to power at any cost, what message does that send to the same people who place their greatest hopes in the empty rhetoric of democracy?

The future Gbagbo proposes for his country is war, anarchy and violence, with ethnic, religious and xenophobic dimensions. He must go, and we must demonstrate our willingness to remove him, even by the use of force through UN Security Council mandate and resolutions if he will not go willingly. The massive



investment that the international community has made in peace and security in West Africa for nearly two decades is under severe threat. This situation goes beyond the borders of the Ivory Coast. Meanwhile, innocents are paying the price.

As a leading middle power, we must use our capabilities to reinforce the UN forces already on the ground. We must also use diplomatic efforts, political efforts, and certainly security efforts in order to put an end to the destruction of massive numbers of human lives in Ivory Coast.

Why are we in Libya and not in Ivory Coast? Why do we hear day in and day out about Libya and Japan and forget the Ivory Coast? Why can we not handle more than one problem at a time?

I move the adjournment of the debate, retaining the remainder of my time, until the next sitting of the Senate.

(On motion of Senator Dallaire, debate adjourned.)

(The Senate adjourned until tomorrow at 9 a.m.)

---

# CONTENTS

Thursday, March 24, 2011

|                                | PAGE |
|--------------------------------|------|
| <b>Visitors in the Gallery</b> |      |
| The Hon. the Speaker . . . . . | 2161 |

## SENATORS' STATEMENTS

|  |      |
|--|------|
| <b>Global Day of Epilepsy Awareness</b>  |      |
| Hon. Yonah Martin . . . . .              | 2161 |
| <b>The Late Dr. Nairn Knott</b>          |      |
| Hon. Yonah Martin . . . . .              | 2161 |
| <b>Safe Digging Month</b>                |      |
| Hon. Rod A. A. Zimmer . . . . .          | 2161 |
| <b>Bladder Cancer</b>                    |      |
| Hon. Irving Gerstein . . . . .           | 2162 |
| <b>The Honourable Bill Rompkey, P.C.</b> |      |
| Expression of Thanks . . . . .           |      |
| Hon. Bill Rompkey . . . . .              | 2162 |
| Tribute on Retirement . . . . .          |      |
| Hon. Lowell Murray . . . . .             | 2163 |

## ROUTINE PROCEEDINGS

|  |      |
|--|------|
| <b>Study on Issues Relating to Federal Government's Current and Evolving Policy Framework for Managing Fisheries and Oceans</b>                      |      |
| Seventh Report of Fisheries and Oceans Committee Tabled.   |      |
| Hon. Bill Rompkey . . . . .  | 2164 |
| <b>National Holocaust Monument Bill (Bill C-442)</b>   |      |
| Seventeenth Report of Social Affairs, Science and Technology Committee Presented.  |      |
| Hon. Kelvin Kenneth Ogilvie . . . . .  | 2164 |
| <b>Controlled Drugs and Substances Act (Bill C-475)</b>  |      |
| Bill to Amend—Twentieth Report of Legal and Constitutional Affairs Committee Presented.  |      |
| Hon. Joan Fraser . . . . .   | 2164 |
| <b>Canada-Europe Parliamentary Association</b>   |      |
| Parliamentary Assembly of the Council of Europe—Committee on Economic Affairs and First Part of Ordinary Session, January 20-28, 2011—Report Tabled. |      |
| Hon. Michael L. MacDonald . . . . .  | 2164 |
| <b>Canada-Japan Inter-Parliamentary Group</b>  |      |
| Bilateral Meeting with Japan-Canada Diet Friendship League, January 3-7, 2011—Report Tabled.   |      |
| Hon. David Tkachuk . . . . .   | 2165 |
| Co-Chairs' Annual Visit to Japan, February 13-18, 2010—Report Tabled.  |      |
| Hon. David Tkachuk . . . . .   | 2165 |

## QUESTION PERIOD

|  |      |
|--|------|
| <b>Indian Affairs and Northern Development (Bill S-11)</b> |      |
| Safe Drinking Water for First Nations Bill.                |      |
| Hon. James S. Cowan . . . . .                              | 2165 |
| Hon. Marjory LeBreton . . . . .                            | 2165 |

|   |      |
|---|------|
| <b>Office of the Leader of the Government in the Senate</b> |      |
| Bruce Carson.   |      |
| Hon. James S. Cowan . . . . .                               | 2165 |
| Hon. Marjory LeBreton . . . . .                             | 2165 |

### Industry

|   |      |
|---|------|
| National Research Council—Science and Technology. |      |
| Hon. Jim Munson . . . . .                         | 2166 |
| Hon. Marjory LeBreton . . . . .                   | 2166 |
| Hon. Willfred P. Moore . . . . .                  | 2167 |

### Official Languages

|   |      |
|---|------|
| French Language Training in British Columbia. |      |
| Hon. Mobina S. B. Jaffer . . . . .            | 2168 |
| Hon. Marjory LeBreton . . . . .               | 2168 |

### Foreign Affairs

|   |      |
|---|------|
| Passport Applications in Prince Edward Island—Service Canada. |      |
| Hon. Catherine S. Callbeck . . . . .                          | 2168 |
| Hon. Marjory LeBreton . . . . .                               | 2169 |
| Hon. Percy E. Downe . . . . .                                 | 2169 |

### Delayed Answers to Oral Questions

|                                 |      |
|---------------------------------|------|
| Hon. Gerald J. Comeau . . . . . | 2169 |
|---------------------------------|------|

### Foreign Affairs and International Trade

|  |      |
|--|------|
| Passport Canada—Access to Passports in Prince Edward Island. |      |
| Question by Senator Callbeck.                                |      |
| Hon. Gerald J. Comeau (Delayed Answer) . . . . .             | 2170 |
| Passport Canada—The Validity Period of the Passport.         |      |
| Question by Senator Downe.                                   |      |
| Hon. Gerald J. Comeau (Delayed Answer) . . . . .             | 2169 |

### Canadian Human Rights Commission

|                                |      |
|--------------------------------|------|
| 2010 Annual Report Tabled.     |      |
| The Hon. the Speaker . . . . . | 2170 |

## ORDERS OF THE DAY

### Canadian Forces Members and Veterans Re-establishment and Compensation Act

|                                  |      |
|----------------------------------|------|
| <b>Pension Act (Bill C-55)</b>   |      |
| Bill to Amend—Third Reading.     |      |
| Hon. Donald Neil Plett . . . . . | 2170 |
| Hon. Grant Mitchell . . . . .    | 2170 |
| Hon. Joseph A. Day . . . . .     | 2173 |

### Criminal Code (Bill C-54)

|                                      |      |
|--------------------------------------|------|
| Bill to Amend—Second Reading.        |      |
| Hon. Larry W. Campbell . . . . .     | 2175 |
| Hon. Gerald J. Comeau . . . . .      | 2177 |
| Hon. James S. Cowan . . . . .        | 2177 |
| Hon. Lowell Murray . . . . .         | 2177 |
| Hon. Joan Fraser . . . . .           | 2178 |
| Hon. Jane Cordy . . . . .            | 2178 |
| Hon. A. Raynell Andreychuk . . . . . | 2178 |

### Royal Assent

|                                |      |
|--------------------------------|------|
| The Hon. the Speaker . . . . . | 2180 |
|--------------------------------|------|

### Canada Elections Act (Bill S-227)

|  |      |
|--|------|
| Bill to Amend—Second Reading—Debate Continued. |      |
| Hon. Irving Gerstein . . . . .                 | 2180 |
| Hon. Michael Duffy . . . . .                   | 2185 |
| Hon. Hugh Segal . . . . .                      | 2185 |
| Hon. Terry M. Mercer . . . . .                 | 2186 |



**Official Languages Act (Bill S-220)**

|  |      |
|--|------|
| Bill to Amend—Second Reading—Debate Continued. |      |
| Hon. Elizabeth (Beth) Marshall                 | 2186 |
| Hon. Maria Chaput                              | 2187 |
| Hon. Percy Mockler                             | 2188 |

**National Holocaust Monument Bill (Bill C-442)**

|                   |      |
|-------------------|------|
| Third Reading.    |      |
| Hon. Yonah Martin | 2188 |

**Controlled Drugs and Substances Act (Bill C-475)**

|                              |      |
|------------------------------|------|
| Bill to Amend—Third Reading. |      |
| Hon. Daniel Lang             | 2188 |
| Hon. Joseph A. Day           | 2189 |
| Hon. Serge Joyal             | 2189 |
| Hon. Joan Fraser             | 2189 |
| Hon. Gerald J. Comeau        | 2189 |
| Hon. John D. Wallace         | 2189 |

**Patent Act (Bill C-393)**

|  |      |
|--|------|
| Bill to Amend—Second Reading—Debate Continued. |      |
| Hon. Roméo Antonius Dallaire                   | 2190 |
| Hon. Claude Carignan                           | 2190 |
| Hon. Jim Munson                                | 2190 |
| Hon. Consiglio Di Nino                         | 2190 |

**Canada Post Corporation Act (Bill C-509)**

|  |      |
|--|------|
| Bill to Amend—Second Reading—Debate Adjourned. |      |
| Hon. Donald Neil Plett                         | 2191 |

**Queen's University at Kingston (Bill S-1001)**

|   |      |
|---|------|
| Private Bill to Amend Constitution of Corporation—<br>Second Reading. |      |
| Hon. Lowell Murray  | 2191 |
| Referred to Committee   | 2192 |

**Study on National Security and Defence Policies**

|   |      |
|---|------|
| Seventh Report of National Security<br>and Defence Committee Adopted. |      |
| Hon. Pamela Wallin  | 2192 |
| Hon. Roméo Antonius Dallaire  | 2193 |

**The Senate**

|  |      |
|--|------|
| Motion to Condemn Attacks on Worshippers in Mosques<br>in Pakistan and to Urge Equal Rights for Minority<br>Communities Adopted. |      |
| Hon. Tommy Banks   | 2195 |
| Hon. Gerald J. Comeau  | 2195 |
| Motion in Amendment.   |      |
| Hon. Tommy Banks   | 2195 |
| Hon. Doug Finley   | 2195 |

**Senate Online**

|                           |      |
|---------------------------|------|
| Inquiry—Debate Continued. |      |
| Hon. Mobina S. B. Jaffer  | 2196 |

**The Senate**

|   |      |
|---|------|
| Motion to Call Upon Chinese Government<br>to Release Liu Xiaobo from Prison—Debate Continued. |      |
| Hon. Percy Mockler  | 2197 |
| Hon. Tommy Banks  | 2197 |
| Hon. Consiglio Di Nino  | 2198 |
| Hon. Joseph A. Day  | 2198 |
| Hon. Anne C. Cools  | 2198 |
| Hon. Jim Munson   | 2199 |
| Hon. Terry Stratton   | 2199 |
| Hon. Lowell Murray  | 2199 |
| Hon. Joseph A. Day  | 2200 |
| Motion in Amendment   |      |
| Hon. Joseph A. Day  | 2201 |
| Hon. Jim Munson   | 2201 |
| Hon. Percy E. Downe   | 2201 |

**Importance of Canada's Oil Sands**

|                              |      |
|------------------------------|------|
| Inquiry—Debate Continued.    |      |
| Hon. Doug Finley             | 2201 |
| Hon. Romeo Antonius Dallaire | 2203 |

**The Senate**

|   |      |
|---|------|
| Motion to Urge Government to Reverse its Decision<br>to Replace the National Long-Form Census—Debate Continued. |      |
| Hon. Catherine S. Callbeck  | 2204 |
| Hon. Jane Cordy   | 2205 |

**Employment Insurance**

|   |      |
|---|------|
| Maternity and Parental Benefits—Inquiry—Debate Continued. |      |
| Hon. Jane Cordy   | 2205 |
| Hon. Catherine S. Callbeck                                | 2206 |

**Erosion of Freedom of Speech**

|                           |      |
|---------------------------|------|
| Inquiry—Debate Continued. |      |
| Hon. Mobina S. B. Jaffer  | 2207 |

**Old Age Security Allowance**

|                            |      |
|----------------------------|------|
| Inquiry—Debate Adjourned.  |      |
| Hon. Catherine S. Callbeck | 2209 |

**Volunteerism**

|                           |      |
|---------------------------|------|
| Inquiry—Debate Adjourned. |      |
| Hon. Terry M. Mercer      | 2210 |

**The Senate**

|  |      |
|--|------|
| Motion to Urge Government to Ask the United Nations<br>to End the Ivory Coast Conflict—Debate Adjourned. |      |
| Hon. Roméo Antonius Dallaire   | 2211 |







*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5





CANADA



# Debates of the Senate

---

3rd SESSION

• 40th PARLIAMENT

• VOLUME 147

• NUMBER 99

---

OFFICIAL REPORT  
(HANSARD)

**Friday, March 25, 2011**

—◆—

THE HONOURABLE DONALD H. OLIVER  
SPEAKER *PRO TEMPORE*



## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
Also available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Friday, March 25, 2011

The Senate met at 9 a.m., the Speaker *pro tempore* in the chair.

Prayers.

### SENATORS' STATEMENTS

#### GLOBAL DAY OF EPILEPSY AWARENESS

**Hon. Jane Cordy:** Honourable senators, recent weather reports for this coming Saturday, March 26, indicate that it may be slightly grey; me, I am forecasting purple.

Honourable senators, in 2008, a young girl from Nova Scotia by the name of Cassidy Megan founded, with the help of the Canadian Epilepsy Alliance and other groups around the world, Purple Day for Epilepsy. Cassidy's dream was to have one day each year designated for global epilepsy awareness. It is thanks to a school presentation given by the Epilepsy Association of Nova Scotia and her school principal, who set the date, that Cassidy's dream was put into action when the first Purple Day was held as a local initiative.

Since that time, the campaign has expanded and the challenge to stand up and show support for those living with this life-altering neurological disorder has been extended to people around the world. This initiative has garnered much support from politicians, celebrities, businesses and schools alike. It has spread to all continents, with the exception of Antarctica. Paul Shaffer of *The Late Show with David Letterman* was a supporter of the first Purple Day and the following year was the special guest at the launch of the campaign in the United States.

The disorder of epilepsy currently affects over 300,000 Canadians and 50 million people worldwide. Our participation by wearing purple on March 26 is just one small way in which we can promote understanding and show support for those with epilepsy.

Private member's Bill C-430, the Purple Day Act, introduced by the Honourable Geoff Regan, has just passed first reading in the other place and has been tabled in the House of Commons. Once passed, this bill will help the Canadian Epilepsy Alliance further the initiative to have this date endorsed by the World Health Organization and the United Nations. It is with this kind of awareness that 1 in 100 people who live with epilepsy, like Cassidy Megan, will know that they are not alone.

Education in this matter is imperative and will certainly help to save lives. Risks are that much lower when people are able to properly identify an epileptic seizure and know what to do in its instance.

I urge honourable senators to lend your support to this worthy cause by sporting your favourite shade of purple on Saturday. "Hue" will not regret it! Furthermore, it will be an active way of making our world a brighter place — despite the weather.

### BRITISH COLUMBIA

#### RANCHING INDUSTRY

**Hon. Nancy Greene Raine:** Honourable senators, British Columbia is celebrated for its beauty and its natural bounty. No one knows this better than those who work closely with the land.

Take the Frolek family. For more than a century they have ranched the lands around Kamloops, raising high-quality cattle on what has grown to become one of the largest family-owned ranches in the province.

The ranching industry has never been easy. To flourish, ranchers have had to be creative and adaptive. The Froleks demonstrated their vision and flexibility when, in 2008, they partnered with the Nature Conservancy of Canada to conserve significant parts of their ranchland. This was accomplished by selling nearly 1,000 hectares of their land to the Nature Conservancy and by placing covenants on more than 2,000 hectares to permanently protect over 3,000 hectares of land for conservation.

Why would they do this? They did this because the resources ranches rely on — B.C.'s native grasslands — are in danger of being lost. Nestled into a handful of fertile river valleys, grasslands make up less than 1 per cent of the province's natural environment. This ecosystem, however, provides critical habitat for a vast number of rare and endangered species. It is one of the most threatened landscapes in the province due to the ease with which it can be developed. The conversion of native grasslands for housing, agriculture and industry contributes to the decline of this province's precious and limited native grasslands. Invasive weeds, encroaching forests and destructive recreational activities are also degrading this precious ecosystem.

Despite their small footprint, grasslands are home to a broad diversity of plants and animals. Dozens of species at risk need grasslands to survive. Burrowing owls, badgers, bighorn sheep and many more species will face an uncertain future if B.C.'s grasslands are eroded.

The Nature Conservancy of Canada is this country's leading land conservation organization, with a strong history of finding conservation solutions that include compatible land use. Their project with the Frolek family resulted in the protection of some of the most intact grasslands in the Thompson-Nicola Valley, while still allowing for ranching on the conservation lands.

This project was funded in part by the Government of Canada's Natural Areas Conservation Program, a \$225 million investment that supports the conservation of ecologically sensitive lands, diverse ecosystems, wildlife and habitat. Since 2007, the Natural Areas Conservation Program has enabled the protection of more than 300,000 hectares at over 700 properties across



Canada. These lands provide habitat for more than 100 of Canada's species at risk and have been secured by matching every dollar of the government's contribution with more than one dollar in cash or land donations.

• (0910)

The work of the Nature Conservancy of Canada does not stop once the land has been protected. With an active, on-the-ground stewardship program, they monitor the ongoing health and condition of the grasslands. A portion of this project is now the Lac du Bois conservation area, and is open to low-impact recreation such as hiking, cross-country skiing and birdwatching, so that the local community can enjoy the natural splendour of their home region.

The Frolek family continues to run their cattle on these lands under a conservation-minded grazing schedule, gently using the grasslands to sustain their business and an important local industry. The Nature Conservancy of Canada works together with the Frolek family to ensure the grasslands stay healthy and vibrant for now and forever.

Honourable senators, please join me in respecting and honouring the vision of the Frolek family.

#### PARTICIPATION OF WOMEN IN PEACE PROCESSES

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to share with you the process of reconciliation by some brave and visionary women.

Over a year ago, Urgent Action Fund, a fund that empowers women, wanted to implement United Nations Resolution 3025, a resolution Canada can be very proud of as our official ambassador, David Angell, and others have worked hard to have the UN adopt this resolution. This resolution calls for participation of women in peace processes. Terry Greenbelt, Marcy Wells and Sanam Anderlini brought together Kenyan women from the north, the coast, the Rift Valley and the cities to form a coalition of women fighting for peace.

When we first met in Amman, Jordan, a year ago, Mary Kakuvi, Halima Shuria, Mildred Ngesa, Joy Mbaabu and Jessica Nkuuhe had to deal with a lot of pain and anger. Their relatives had been killed or maimed, their friends were lost, and their communities were destroyed.

While facilitating meetings in Amman, I was concerned that the women would never be able to heal and work together. Would there be a coalition?

On leaving Amman, the women decided to put their differences aside and resolved to work together. On March 8, 2011, the Kenyan women launched an organization called Udada, which is a Swahili word for sisterhood. Udada, which is a grassroots organization that the above five women have established, seeks to promote sisterhood and nurture sustainable peace. Udada has the mandate that will empower women at the grassroots level by giving them the tools they need to ensure that peace prevails in both their households and their communities, and especially to have the next Kenyan election violence-free.

At the launch, the chairman of the Commission to Implement the Constitution, Charle Nyachae, was the guest speaker. He spoke eloquently of the involvement of women in the Kenyan constitution and especially in enforcing the constitution. After the launch of Udada, we met to help implement the mandate of the coalition. Our Canadian High Commissioner, David Collins, worked with us and sent Richard Le Bars to also work with us and to organize the women, especially before the next election.

The Constitutional Commissioner said at the meeting that the constitution will only be fully implemented if the Kenyan people, and especially the greatest beneficiaries, the women of Kenya, remain vigilant.

Honourable senators, Kenya is a country that is home to 40 tribes. Unfortunately, tribalism has been a source of conflict and tension for the Kenyan people. However, Udada is an organization that wants to work past the differences that divide women and seeks to focus on the common ground or issues that bind them together.

I am confident that these five women, with the help of other women, will change the way elections are fought in Kenya. I salute Udada and admire their efforts to mobilise women, mitigate conflict, promote national values and nurture peaceful co-existence.

I ask honourable senators to join me in congratulating Mary, Halima, Mildred, Jessica, Joy, Terry, Marcy and Sanam, for advocating for Kenyan sisters and standing in solidarity with all the women of Kenya, regardless of their tribe, religion or creed, to bind peace in Kenya.

#### FOREIGN CRITICS OF CANADIAN POLICY

**Hon. Nicole Eaton:** Good morning, honourable senators. It is nice to be here with you at this hour of the day.

I wish to bring to your attention the continuous meddling into Canada's affairs by every self-proclaimed think-tank that has managed to attract heavy subsidies by private self-interests.

The latest salvo came in the form of a report released last week by the Pew Environment Group entitled: *A Forest of Blue: Canada's Boreal Forest, the World's Waterkeeper*. For the many who have never heard of them, the Pew Group operates under the Pew Charitable Trust, an organization established by the family of the late Sun Oil founder, Joseph N. Pew.

This U.S.-based group seems to have taken a shine to our Canadian boreal forests and determined that they are under threat from development related to mining, hydroelectricity, oil and gas extraction, and forestry.

Honourable senators, why, I ask, is another heavily-funded American group once again getting involved in Canadian domestic affairs? The list of inference is getting tedious — our seal hunt, our oil sands, our regulatory differences, even our treatment of zoo elephants, and now our boreal forests.

In each case, this interference is based on half-truths and blatant misinformation. This needs to stop. Canadians do not need uninformed advice from headline-seeking politicians, Hollywood types and movie producers, all with the goal of developing a reputation for trying to save the world.

Canadians know what is best for Canada and it is Canadians who should be deciding how we manage our seal hunts, operate our oil sands and protect our pristine national landscape.

Honourable senators, I am proud of the beauty of this great nation and of the strong resource-driven sectors we are so blessed to have in this country. It is high time that we remind armchair critics that Canada can and will take care of itself through the best means available and necessary.

Let us send a clear message that interference will not be tolerated.

[Translation]

### CITY OF LA TUQUE, QUEBEC

#### CONGRATULATIONS ON ONE HUNDREDTH ANNIVERSARY

**Hon. Lucie Pépin:** Honourable senators, yesterday was a big day for the city of La Tuque, Quebec, which is located in my senatorial designation of Shawinigan. The city, which was founded on March 24, 1911, turned 100 yesterday.

The people of La Tuque plan on celebrating this 100th anniversary with great fanfare. Throughout the year, a number of commemorative events and gatherings will be held. The highlights of the centennial anniversary will be the reunion days from June 21 to July 3.

The city's centennial slogan is "one hundred years and more to come," which reflects the ambition of the people of La Tuque to turn this centennial into a window of opportunity. The celebrations will help awaken the pride of the people of La Tuque. They will also be a unique opportunity to highlight the region's heritage, cultural assets and tourist attractions.

With an area of nearly 30,000 square kilometres, greater La Tuque has no shortage of nature. I urge honourable senators to take this opportunity to discover the great outdoors in this region, which is a real paradise for hunters and fishers. You will find yourselves amazed by the region's many assets, which lend themselves to both summer and winter activities.

A number of people have been working hard for years to make this centennial a huge success. I would like to take this opportunity to congratulate the entire organizing committee. I would also like to congratulate the Société historique de La Tuque et du Haut-Saint-Maurice for producing the wonderful historical publications *La Tuque Un siècle d'histoire* and *La Tuque Histoires de familles*. In addition, I would like to extend my sincere congratulations to Yves Vachon, who won the competition to compose a centennial song.

Honourable senators, I invite you to come celebrate with us in La Tuque and to discover this beautiful part of the country.

[English]

### MRS. BERTHA CAMPBELL

#### CONGRATULATIONS ON WINNING 2011 ROSEMARY DAVIS AWARD

**Hon Elizabeth Hubley:** Honourable senators, I rise today to recognize a great friend, businesswoman and volunteer who has just won the prestigious 2011 Farm Credit of Canada Rosemary Davis Award.

Bertha Campbell of Kensington, Prince Edward Island, will be heading to Boston at the end of April to accept her award and participate in an important leadership conference for women. I have known Bertha for a long time and can attest to her skill and commitment as a farmer and community leader.

• (0920)

The Rosemary Davis Award recognizes women who are active leaders in the Canadian agricultural sector. These are women who are not only successful in business but who also give back to their communities and are excellent role models for young women entering the field.

Bertha Campbell certainly fits this description and is well deserving of this honour. She has served as Vice-President of the ADAPT Council, Chair of the P.E.I. Agricultural Sector Council and currently sits on the P.E.I. government's Environmental Advisory Committee. She was also recently President of the P.E.I. Federation of Agriculture. In addition to her volunteer work with the agricultural community, she also runs her family's farm and is involved in neighbourhood hockey, figure skating and school advisory councils.

I congratulate Bertha on her outstanding achievements and wish her all the best for her trip to Boston. She is a wonderful role model not only for women involved in agriculture, but is an inspiration to anyone looking to achieve personal success while also giving back to the community.

### FOREIGN CRITICS OF CANADIAN POLICY

**Hon. Tommy Banks:** Honourable senators, I concur entirely with the expressions by Senator Eaton of the offensive nature of one country trying to tell another country what to do. I hope we will all take those sentiments very much into account.

[Translation]

### ROYAL ASSENT

**The Hon. the Speaker pro tempore** informed the Senate that the following communication had been received:



## RIDEAU HALL

March 25, 2011

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 25th day of March, 2011, at 7:55 a.m.

Yours sincerely,

Stephen Wallace

The Honourable  
The Speaker of the Senate  
Ottawa

Bills Assented to Friday, March 25, 2011:

An Act to establish a National Holocaust Monument  
(*Bill C-442, Chapter 13, 2011*)

An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy) (*Bill C-475, Chapter 14, 2011*)

[English]

## QUESTION PERIOD

## FINANCE

## BUDGET 2011

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. In the budget on Tuesday, there was a line that allocated funding of \$20.9 million to continue to waive firearms licence renewal fees for all classes of firearms. The cost of operating the firearms registry is estimated now to be about \$4 million a year.

The Ontario Association of Chiefs of Police issued a press release yesterday, complaining that the government had somehow found millions of dollars — indeed, as I said, \$20.9 million — to waive firearms licence registration fees, but no money to continue the federal Police Officers Recruitment Fund that was promised by the leader's government to hire 2,500 new police officers across the country. How does this make any sense?

**Hon. Marjory LeBreton (Leader of the Government):** The government, as the honourable senator knows, has a long-standing commitment to abolishing the long-gun registry. We do not believe, as we have said on many occasions, that law-abiding citizens should be subjected to the necessity of this long-gun registry. The honourable senator uses a figure that has been disputed, by the way.

With regard to the comments that the honourable senator read into the record from the police association, we have had many comments about the budget since it was introduced on Tuesday, March 22, most of them complimentary and laudatory, but obviously some groups are not happy with the budget. The honourable senator cited an example of one. That is their right in a free and democratic society.

Honourable senators, we stand by the budget that we presented. It is a good budget. It has been supported overwhelmingly by Canadians. I urge the official opposition and their coalition partners in the other place to come to their senses this afternoon and allow Parliament to continue working so that we can deal with all of these important matters.

**Senator Cowan:** Honourable senators, if the leader disputes the \$4 million figure, that amount is confirmed in a February 2010 report produced by the Royal Canadian Mounted Police.

The fact is that the law of the land is that there is a gun registry, and the law requires that registration fees be paid. Surely the government has an obligation either to persuade a majority of members in the House of Commons, and perhaps in the Senate in due course, to remove that or to respect the law.

What kind of signal does it send to Canadians if the government itself ignores the provisions of the law of the land? Does that make any sense?

**Senator LeBreton:** Honourable senators, I reiterate that our government is committed to effective gun control that delivers results while reducing administrative burdens for law-abiding gun owners.

Currently, all legal firearms can be traced in Canada through the serial number located on the firearm. Of course, this has not and will not change. This is one of the mythologies that is promoted about this particular issue. In order to obtain a gun in this country, there is a rigorous process for licensing and ownership. In both cases, strong gun control legislation was introduced to this country by Conservative governments.

Canadians understand very well the government's position on this issue. We believe that the real issue is with regard to the illegal guns that are brought into this country and are connected to the drugs and gangs issue.

• (0930)

**Senator Cowan:** The government of which the leader is a member is strong on being tough on crime, respecting the law, and urging ever more serious and punitive sanctions for those who break the law, yet here the government itself is ignoring the law of the land.

The law of the land is the law of the land until it is changed. Parliament has spoken and has established a law. Surely the government has a responsibility to set an example for Canadians by respecting its own laws. If the government wants to change the law, it should bring in a bill that is supported by a majority of the members of the House of Commons, and proceed through the usual process. To ignore not only the established law but the will

[The Hon. the Speaker]

of the House of Commons, the elected representatives of the people, and do by the back door what they could not do by the front door does not set a good example for Canadians.

**Senator LeBreton:** I expect that the long-gun registry will become an issue in the election that the coalition will apparently force upon us later today. We will see what Canadians think of the long-gun registry and the actions of our government to this point.

**Senator Cowan:** I certainly hope so.

**Hon. Mobina S. B. Jaffer:** Honourable senators, my question is directed to the Leader of the Government in the Senate. The government's citizenship booklet advises new immigrants that in our country we do not accept honour killings, female genital mutilation or forced marriage. I am happy that we are stressing our values.

What resources is the government setting aside to ensure that the women who suffer in our country are given help?

**Senator LeBreton:** As I have said on the record here many times, the government has expended considerable funds, not only to welcome new immigrants to our country but also to make clear that we will not tolerate barbaric actions such as female genital mutilation. I have stated on the record many times the amounts of money that we have spent through the Department of Justice, Status of Women Canada and the Department of Indian and Northern Affairs on the issue of violence against women.

The record of our government is solid on this front. When we face the electorate, as it appears that we will be forced to do as the result of a non-confidence motion supported by the coalition this afternoon, Canadians will have a chance to assess whether they think we have done enough on this front.

**Senator Jaffer:** My specific question to the leader was: How much money has been set aside specifically to educate women in our country on the fact that we do not accept honour killings, female genital mutilation or forced marriage in our country? Exactly what resources are set aside to help women receive this education?

**Senator LeBreton:** I will repeat the answer I have given many times. Ending violence against women, both those born and raised in Canada and those who have come to our shores, is a cornerstone of our government policy, especially of our tough on crime policy. We have almost doubled funding for projects to end violence against women. We have acted to bring in new laws to ensure that women are safe from rapists and murderers. We are protecting vulnerable women from human trafficking. We have a bill on human trafficking that, unfortunately, we will not be able to proceed with because of the unnecessary forthcoming election.

As Senator Jaffer said in her question to me, we have launched a citizenship guide that clearly articulates the Canadian principles of equal and fair treatment of all women and girls.

I obviously will not be able to table a written response because of the actions of the coalition in the other place, but I will be happy to provide Senator Jaffer, later today, with the exact amount that we spend in this area.

## NATIONAL DEFENCE

### MISSION IN AFGHANISTAN

**Hon. Roméo Antonius Dallaire:** Honourable senators, in our prayer we say, "peace and justice in our land and throughout the world." We pray that we take decisions in that regard.

Twenty years ago, we were moving troops into the advance positions of the first Gulf War. It is interesting that the veterans of that war are still fighting the Canadian bureaucracy for recognition of the injuries they sustained in it. That situation does not encourage others, or their families, to commit to war zones when they know they will have to fight, potentially for decades afterwards, to be able to live decently as veterans.

My question is more specifically on the current operation and its impact. A few days ago, the commander of our forces in Afghanistan made it clear in an interview that we went in there with far too few capabilities, as we tend to when we creep into these complex missions. It is interesting that in the Libya operation we did exactly what we did in Korea. First we sent in a couple of ships, which is not too risky, then we sent in planes, which again is not too risky. Potentially, as in Korea, there may be a United Nations demand for troops.

The commander in Afghanistan said that because we did not deploy the appropriate level of forces over the last years, we were never able to hold ground. Therefore, we had to go over the same ground time and again, rebuilding infrastructure and re-establishing an atmosphere of security, taking casualties every time. The commander said that only now does he have a brigade that is able to make massive advancements in that cause, and now we are pulling out.

I will not debate why we are pulling out. However, I think it is irresponsible of the government to commit to a long-term mission and then pull out because it is cute, because we cannot handle the 154 casualties. That number is erroneous, by the way, because it does not take into account those who have come back psychologically injured and those who have committed suicide since. Considering those deaths, we are probably at about 190.

We know that we went in without sufficient resources. We are finally getting a grip on the situation because we were reinforced by the Americans, and we are pulling out. We are pulling out of our original mission and replacing it with a training mission. It is interesting that the training mission will be located not only in the capital but wherever the Afghans have troops to be trained, which is throughout the country. We will deploy 950 members.

What is the reason for deploying 950 personnel for training the Afghan military and police? A staff check reveals that there will be more non-commissioned officers and junior officers engaged in that mission than are currently engaged in the combat mission, and what is curtailing the forces from absorbing new recruits and continuing the enhancement of the forces is the burnout and loss of those same sergeants and NCOs.

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I am disappointed that the honourable senator would undermine the great successes of our Canadian Forces in Afghanistan. He is correct that we went into



Afghanistan ill equipped. Our personnel did not even have the proper coloured uniforms, and then we were committed to the most dangerous part of Afghanistan.

However, as even General Petraeus of the United States has indicated, the Canadian efforts in the most dangerous part of Afghanistan, Kandahar, have resulted in holding that area and making it relatively secure.

• (0940)

With regard to the decision, as the honourable senator is aware, in 2008, the government outlined a series of benchmarks for its whole-of-government engagement in response to the excellent report on Afghanistan from the panel headed up by the Honourable John Manley and our colleague Senator Wallin. Three years later, we are now on track to achieve the benchmarks that we set out for Kandahar province. Going forward, the people of Kandahar will continue to benefit from Canadian assistance through national programs in health, education and humanitarian assistance.

Honourable senators, with regard to the situation today, the government has been clear that the combat mission will end in the summer of 2011, and Canadian Forces personnel will be deployed to continue training Afghan national security forces in a non-combat role until March 2014. National Defence has worked diligently with the Department of Foreign Affairs and other non-government organizations in Afghanistan to continue to develop the best deployment plan possible in response to changing circumstances.

The honourable senator's statement that the government took actions as a direct result of the unfortunate deaths of over 150 of our men and women who served in the Armed Forces is not a fitting comment, especially from a person with his military background.

**Senator Dallaire:** Honourable senators, if anyone can talk about casualties and the impact of casualties, it is me, and not, I will say bluntly, the leader.

**Senator LeBreton:** I agree.

**Senator Dallaire:** Honourable senators, beyond the newsreels and the newspapers, I can raise concerns about the use of our forces. I can raise concerns about how effective our troops have been on the ground by looking at the analyses, listening to the commanders in the field and performing appropriate personal assessments.

The fact that we did not send enough troops in the first place does not attack the value of the troops. On the contrary, our troops did extraordinary work. However, it did not mean we achieved the aim or the mission. It just means we were there and we were grappling to achieve our goal. The problem concerning the poor uniforms was in 2002; by 2006, we sorted out that problem. That is significant because it was a new theatre of operations, after 45 years of operating in Europe.

Honourable senators, I return to my point: How did they arrive at the number of 950 personnel? What concept of demand was analyzed to ensure that we would help? Now that we are pulling

out, I believe we should move to a strategic level to provide depth to the Afghan forces by building up their staffers, their commanders and so forth. I have no problem with moving to that now because we have decided on that and not because I believe that was the route to take.

Honourable senators, with the numbers, the impact and sustaining the mission for three years, we are already deficient in NCOs and officers to handle the veterans coming back and their integration within the forces. There are over 12,000 recruits who have never been deployed or have never received the proper training because there are not enough NCOs and officers to put them through training. They are sitting in CFB Borden and CFB Gagetown and so on, picking their noses while, hopefully, a sergeant might appear some day. We launched a mission that is dominated by NCOs and officers, and we will continue the attrition of those who already have five missions under their belt.

There is not an NCO in my regiment who does not have five missions under his or her belt. They are the ones going back, and they are the ones we need to re-establish, lick the wounds and help to rebuild the forces.

Why did we choose that number, and what sort of analysis was done? I am not asking the leader to give me that answer. I am asking the leader to query those who offered that option to Canadians.

**Senator LeBreton:** The senator is quite right. Senator Dallaire would know more than I do about the operations of the Department of National Defence, the Chief of Defence Staff and the numbers.

The numbers came about as a result of consultations and recommendations with people in the field working in National Defence. The numbers were, obviously, the recommendation of our National Defence officials who have assessed all the issues in terms of recruitment that the honourable senator states.

The government did what good governments do: We listened to the sound advice of our military personnel and followed it.

**Senator Dallaire:** Honourable senators, the Armed Forces Council is the council where the three-star generals and the Chief of Defence Staff meet regularly to take decisions that are specific to the Armed Forces. During these meetings, they take guidance and orders that are given within the Armed Forces. They met in Halifax with the Minister of National Defence. All of a sudden, Thursday afternoon, the Prime Minister's Office announced that we were deploying 950 people to train the Afghan forces.

Honourable senators, guess who was the most surprised about the number: The whole damn group of them sitting in Halifax. There was no staff check. Somebody pulled that number out of the air. We knew what NATO required and it required more than that number of personnel. I have the structure of what NATO wanted, and we did staff checks. Nowhere above 600 could we sustain the mission for three years. Remember, this is not 950 personnel for six months; this is for three years.

Honourable senators, I will go beyond that. There has been no analysis. It was a decision taken by the political leadership of the nation, and the military are still scrambling to figure out how to implement it properly in the field while minimizing the impact on the rest of the forces.

Honourable senators, as we the combat mission ebbs, we will begin to see more and more casualties. We will see the casualties of those who have been at a high tempo of operational readiness. That tempo will now go down because the demand will not be there, and the psychological impacts of those operations and the impact on their families and careers will start to appear. It is time to reinforce the quality of life, the family support structures and the medical support capabilities for handling this new generation of injured veterans to integrate them with the non-veterans in stabilizing the forces. That situation is even more complex with the reserve units.

Why is it that even in this fiscal year — let alone in the new budget, which will drop \$1 billion per year — the resources and abilities of family support centres, quality of life structures, capabilities of the joint troop and living capability reinforcement units, although we have created five new ones, are being flatlined? They will have to absorb the cost of living and of letting people go when we should be reinforcing them.

Could the leader look into why we are targeting those soft targets, when the demand on them will increase significantly over the next couple of years?

**Senator LeBreton:** Honourable senators, the senator's comments about how the decision was made are flat out false and completely inaccurate.

• (0950)

The honourable senator must understand, as I am sure those on the other side do who have participated in cabinet discussions and our style of cabinet government, that the decision on numbers in Afghanistan based on a political decision without consultation with Armed Forces personnel is bizarre, to say the least.

There is no doubt, honourable senators, that the government is very cognizant of our soldiers returning with serious physical and mental injuries. That is why the Minister of Veterans Affairs and the Minister of National Defence made the announcement to enhance the government's services in these areas.

**Senator Dallaire:** Honourable senators, I was a three-star general when Canada was engaged in a number of theatres of operation. Unless this government is very different from other governments, military advice is not what carries the day, if it is asked for.

Certainly, during those theatres of operations, we found political decisions on numbers to dominate the operational concepts that we utilized. The Prime Minister said 1,200. Although we needed 1,600, he said 1,200, so that is it, we had to go with that. As the deputy commander of the army, I had such direction on two occasions. There was no logic. It was, "We don't like the number 1,600, but we'll go with 1,200 because that is saleable." They are not different. That 950 exercise is right down that track in getting the order from significant senior leaders.

Yes, creating five new joint support units is essential. In fact, it is very helpful. However, I ask the leader to go back to the figures of this fiscal year, which ends next week, and look at the projections for the next fiscal year. The leader will see that the funds in medical and family supports, even though we have created more units to help them, have been restrained and even curtailed. I ask the leader to go back to those figures.

If the troops that will soon be returning injured find there are less services available for them and their families that would help them reintegrate into the community and want to continue serving, then we will lose them. If we lose that incredible investment, that has to be one of the most deficient decisions for saving a few dollars. We will lose zillions of dollars of experience, and I do not think this is a time to lose that. We should be building on the experience of past years of operations.

**Senator LeBreton:** Honourable senators, I will not debate decisions made in the past when the honourable senator was a three-star general. I want to reiterate that the Canadian Forces and the Department of National Defence have made great strides in the area of treating injured soldiers. Today, the Canadian Forces have over 378 full-time mental health professionals and are working very hard to seek out and hire more.

In addition, the Canadian Forces and the Department of Veterans Affairs are working together to ensure that current and former military personnel receive continuity of care. The two departments are now linked together so there is continuity of care. We have announced that we will have 24 integrated personnel support units to provide one-stop service for members, veterans and their families to access service from the Canadian Forces and from Veterans Affairs. We have established the Legacy of Care Program for seriously injured military personnel and their families and pledged \$52.5 million over five years in additional support. We have also announced \$140 million to create a Canadian Forces Health Information System, which will enable health care professionals to securely share information and coordinate patient care.

Honourable senators, obviously, the government seeks to continue working in this area, but we have made strides in the services we provide to our veterans and soldiers who serve and have served our country so valiantly.

## INDUSTRY

### DRUGS FOR INTERNATIONAL HUMANITARIAN PURPOSES

**Hon. Don Meredith:** Honourable senators, Bill C-393, a piece of legislation vital to the flow of HIV/AIDS drugs to children in African nations, came to us too late to be debated and amended. Many honourable senators on both sides of this chamber, including myself, were desirous of supporting this bill, especially in light of the fact that the Prime Minister has demonstrated strong leadership in maternal health and child care.

My question is to the Leader of the Government in the Senate. What can we do in this chamber to see that Bill C-393 is resurrected, properly debated and moved forward into law as early as possible so that the children's lives that are affected in the nations of the world can actually be saved?



**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I believe Senator Meredith is asking his first question since being called to the Senate.

**An Hon. Senators:** And a good one.

**Some Hon. Senators:** Hear, hear.

**Senator LeBreton:** Yes, honourable senators, Senator Meredith has asked a good question. Obviously, the spirit of Bill C-393 has support, as the honourable senator indicated, on both sides of this chamber, as was the case in the House of Commons. This bill was in the House of Commons for over a year, and then it came here. The government position, as has been stated, is not in support of the bill.

Honourable senators, as I indicated to many of my colleagues when we first received this bill, it was our hope and intent that the bill would receive full debate in the Senate, then be referred to committee to hear witnesses on both sides of the issue and then come back. As was the case in the House of Commons, people were free to vote on this measure as they wished.

Unfortunately, honourable senators, the plans to deal properly with this bill in this place will of course be stopped dead in its tracks this afternoon when the opposition coalition in the other place defeats the government and all legislation dies on the Order Paper.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I want to say to Senator Meredith that I appreciated his question. I thought it was an excellent one and I thank him for that.

However, as we all know, our questions cannot anticipate anything that is on the Order Paper, and Bill C-393 is on the Order Paper. That is according to rule 22(4) of the *Rules of the Senate*.

cause an unnecessary election. Given that reality, I understand an offer was made to hold an accelerated hearing yesterday, which is not a perfect solution but helpful nonetheless, given the circumstances that the opposition coalition has placed us all in.

Honourable senators, despite any process concerns we might have, we cannot lose sight of the fact that Bill C-54 is very important legislation.

• (1000)

This is legislation that provides protections for children who are or could become victims of sexual crimes. It is legislation that had the support of all four parties in the other place.

Honourable senators, in good conscience, we cannot let this bill die.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, it is with a good deal of regret that I rise to speak on third reading of Bill C-54 today. That regret is due solely to the fact that debate at third reading of this bill is grossly premature.

We only received Bill C-54 in the Senate on Monday, March 21. Two days later, in accordance with our rules and practice, we heard from the sponsor of the bill, Senator Runciman, who moved second reading. Yesterday we heard from our critic, Senator Campbell, who raised a number of concerns that he wished to have debated and discussed at committee.

Following Senator Campbell's speech, we expected that this bill would receive second reading and then be referred to our Standing Senate Committee on Legal and Constitutional Affairs for study, again in accordance with our rules and our practice.

In fact, on Wednesday, when Senator Fraser asked Senator Runciman about some of the details of the bill, Senator Runciman replied:

That is an interesting question and I am sure we will pursue it at committee.

After Senator Campbell's speech yesterday, we did indeed give second reading to this bill, and that was a step supported by all of us. Unfortunately, at that point, the Deputy Leader of the Government in the Senate, Senator Comeau, moved a motion to proceed immediately to third reading. That is not in accordance with our rules and our practice. The motion by Senator Comeau means that there will be no committee stage, notwithstanding the assurances and the expectations of Senator Runciman, and there will be no opportunity to pursue Senator Fraser's question in committee or to address the serious questions raised by Senator Campbell.

For the first time in my experience, a government has wielded its majority in this chamber to bypass a vital stage in the legislative process. Frankly, it should come as no surprise to any of us that the stage of the legislative process they have chosen to eliminate is one that provides an opportunity for parliamentarians to hear from Canadians — that is, the committee stage.

## ORDERS OF THE DAY

### CRIMINAL CODE

#### BILL TO AMEND—THIRD READING— DEFERRED VOTE

**Hon. Bob Runciman** moved third reading of Bill C-54, An Act to amend the Criminal Code (sexual offences against children).

He said: Honourable senators, I spoke at length on the details of Bill C-54 a few days ago, so I will not cover that ground again.

I know senators on both sides would prefer to have full committee hearings on this legislation prior to third reading passage. I certainly feel that way. However, as all honourable senators know, we are in a time bind created by the opposition coalition's decision to bring down the government later today and

What happened simply underscores this government's undemocratic approach to the workings of Parliament. It knows best what Canadians need and has no interest in wasting any time in finding out what Canadians have to say.

On occasions in the past, if there has been a great urgency about a bill, the Senate has agreed to abridge notice periods and sometimes to skip the normal committee stage or to replace it with a truncated Committee of the Whole process, but that is only done by unanimous consent. It was only done after the government in the past had convinced everyone, or at least most senators in the chamber, of the urgency of the situation and the necessity of dealing with it quickly and abridging the normal legislative process.

To my knowledge, never has a government used its majority in this chamber in such a ham-fisted manner — to eliminate the normal committee stage against the objections of opposition members.

However, perhaps it is fitting that this new ground is being broken in this way by the government in this chamber today because in the other chamber, as we speak — and we heard some noise a few moments ago which may indicate what happened — for the first time in Canadian parliamentary history, this government is being found in contempt of Parliament.

What is taking place today is quite an achievement for a government that promised Canadians that it would bring transparency, openness and respect to Parliament. Instead of openness, transparency and respect, it has brought contempt.

In the other place, elected members of Parliament asked for documents. They were refused by the Harper government. In this chamber, we have asked that witnesses be permitted to present their views on this government bill, and this request has been refused by the supporters of the very government that introduced the legislation.

Honourable senators, we are members of the Senate of Canada. We pride ourselves on being a chamber of sober second thought, and to refuse to hear ordinary Canadians before we pass laws that will apply to them from coast to coast is the antithesis of our constitutionally mandated role. Canadians have a right to be heard by those who govern them. That is why the committee stage is so critical to our proceedings.

I am dismayed at our colleagues on the other side, many of whom were, at one stage in their careers, esteemed members of the "Fifth Estate" and were not hesitant then in taking the government to task on a whole wide range of real or perceived failings. However, when it comes to the fundamental rights of Canadians to be heard on the laws that are passed by those who govern them, they remain silent and faithfully toe the party line.

Honourable senators, is there any justification for what the government is doing today? Is there an urgent situation that we are facing?

I am speaking at third reading of Bill C-54, but I have limited capacity to speak to the details or the merits of the legislation because there has been no study and no recommendations to us by any of our committees. There is no testimony for me to

examine. To be expected to speak in such circumstances would normally require some measure of urgency.

Is there an urgency? Has the Harper government conveyed to Canadians the message that Bill C-54 is a priority? Let us look for a minute at the legislative history of this bill.

Bill C-54 was introduced in the other place on November 4, 2010. Was it given priority? Was it dealt with expeditiously in the other place? One way to answer that question is to look at the legislation that has been sent to us from the other place since early November.

The fact of the matter is that 11 other government bills have arrived in the Senate since Bill C-54 was first introduced in the House of Commons. Those 11 other bills had priority over this bill, the intent of which is to protect children from sexual predators.

Among those 11 bills was Bill C-61, which was introduced in the other place on March 3, given third reading a week later on March 10, and arrived here. That bill is entitled "An Act to provide for the taking of restrictive measures in respect of the property of officials and former officials of foreign states and of their family members." The government rushed this bill, dealing with the property of foreign officials, to the front of the line and through the House of Commons, while it put its bill on protecting children from sexual predators on the back burner. Bill C-54 was placed on hold at report stage while the Harper government ensured that the Senate received the bill dealing with the property of foreign officials in plenty of time to deal with it prior to any possible confidence vote on the budget.

However, when it came to Bill C-54, it was an afterthought. It arrived in the Senate only this week, on Monday, just a few days ago. This was only a day before the government introduced a budget so regressive and out of touch with reality that it was virtually guaranteed to be opposed by all opposition parties in the House of Commons and lead to a dissolution of Parliament.

Now, suddenly, the government is claiming that Bill C-54 is of such priority that it must receive Royal Assent today, even if that means that not a single Canadian will be allowed to express their views to us. Nothing could be more important. What hypocrisy.

Remember, honourable senators, in the other place it is the government that sets the legislative agenda and decides which bills are to be debated and in what order.

Honourable senators, we should not sacrifice our reputation for carefully reviewing legislation that comes before us because of the inability of the government to properly manage its affairs in the other place.

**Some Hon. Senators:** Hear, hear!

**Senator Cowan:** Honourable senators, I would like to be able to give a traditional third-reading speech on Bill C-54, much as I did on another justice-related bill earlier this week, Bill C-59. With Bill C-59, I had an opportunity to read the testimony that was provided by witnesses before our committee, to reflect on that and to participate in the debate. However, I cannot make such a judgment on the merits of this bill and I cannot give such a



speech, because there is no committee record for me to examine. There is no recommendation from the committee for me to consider. To make an informed judgment at third reading, all of us need the information that only a committee stage can provide.

• (1010)

#### MOTION IN AMENDMENT

**Hon. James S. Cowan (Leader of the Opposition):** Therefore, honourable senators, I move:

That the bill be not now read a third time, but that it be referred to the Standing Senate Committee on Legal and Constitutional Affairs for consideration and report.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I will not respond to all the comments made by my honourable colleague on the other side, but I do want to indicate how much I appreciate the work that the Standing Senate Committee on Legal and Constitutional Affairs has done over the past number of months. We have asked them to go way beyond the call of duty. They have put in extremely long hours, way above and beyond the call of duty, on both sides, all senators. The comments I hear, at least from my side, indicate that the committee works extremely well.

At this point, I should note that the chair of that committee has been doing yeoman's work. I had the pleasure of working with Senator Fraser when she was the deputy leader on the other side and I always found her to be extremely professional. Never once did I sense that there was a level of approach to her work that was not for the benefit of all Canadians. I say this publicly — I have told her this privately before — that I have always appreciated the manner in which she handles her duties.

**Hon. Senators:** Hear, hear.

**Senator Comeau:** I do not want our deputy chair to feel that I do not appreciate his work as well. As a fairly new member of this chamber, he has taken on some extremely important duties and he has handled them in the finest tradition of this chamber. I appreciate that as well.

**Hon. Senators:** Hear, hear.

**Senator Comeau:** I will turn now to the conundrum in which we find ourselves today. Senator Cowan referred to the rules. He is absolutely right that we dealt with this bill yesterday. I did ask the other side whether we could refer this bill to committee. We realized, with the great amount of work that this committee has been putting out at this time, that this would put an extra burden on them. We realized that and we accepted it. We wanted to put on one more burden and give it one last shot. Given the kind of work that they have been doing up to now, I am positive they would have done it, and they would have done a great job, as far as I am concerned.

However, we were faced with a situation whereby, under the rules, the committee did not have the right to sit yesterday. We needed to have the committee be able to sit yesterday and today

and, for that, we needed a mandate from this chamber. We needed unanimous consent from the chamber. We asked if we could get unanimous consent to empower that committee to sit yesterday and today in order to be able to deal with this bill. We would have provided every opportunity possible for witnesses to appear. We would have pulled out all the stops. Given the importance of this bill, we were willing to give it the best we could at committee. The answer yesterday morning was no. I tried again yesterday afternoon, and the answer again was no.

I mentioned yesterday afternoon that the effect of this was that, if the coalition party manages to defeat the government on their contempt motion, then it would kill this bill.

On this side, we were attempting to give this bill at least one final effort to be able to make it. If it did not happen, it did not happen, but at least we would have given it a chance at committee. We had all of yesterday and all of today until four o'clock. On both occasions, that was absolutely refused.

The Leader of the Opposition on the other side basically said that we were bending the rules. We are not bending the rules at all. We did ask for unanimous consent, but the rules said that we could not have the committee meet.

I do want to get to another point, honourable senators. Senator Cowan referred to the issue of the government not having sent this bill here earlier. I think Senator Cowan is playing with words on this. He neglected to mention that in the House of Commons, the other place, there is a minority government against the coalition. The other place is made up of a government in a minority situation. It faces a combined coalition of the Liberals, the NDP and the Bloc. It does not control every bit of the agenda in that house. The majority in the other place can put roadblocks all the way to legislation. Obviously, had we been a majority, the 11 bills to which Senator Cowan referred would have come here in a much more expeditious and orderly manner. However, the combined weight of the coalition reduced that. It basically stopped it. This bill could have come here much earlier.

I cannot resist this, because Senator Cowan referred to the contempt motion that was placed in the other place. This contempt motion was passed by a kangaroo court. All one has to do is look at the numbers and the majority in the committee. Review the tapes and review some of the media comments made by a fellow by the name of Pat Martin, who wanted to string up some of our own side in the nearest tree. This is what was happening on this contempt motion. It was absolutely a kangaroo court.

I will come back to my point. We offered. We did everything we possibly could to give due process to committee stage. This was refused. The opposition side hid behind *The Rules of the Senate*, which would have effectively killed the bill. They would have then turned around and said, as Senator Cowan said a while ago, that the government does not know how to manage its business.

Today, by going to third reading, we are giving this bill a fair chance at being able to become the law of the land. That is all we are doing, and we are doing it on behalf of the children in Canada, protecting them from sexual predators.

• (1020)

Honourable senators, I support this bill. I hope the other side does the right thing by passing this bill now and rejecting the attempt by Senator Cowan to send this off to committee again. The committee would meet only after the election, which would mean there would be no committee and no hearing. He knows entirely what he is doing. Sending it to committee would effectively kill the bill.

We will reject this amendment. We will continue to encourage the other side not to send this bill to a committee, which would kill it, but to deal with it today.

**The Hon. the Speaker *pro tempore*:** Will the Honourable Senator Comeau accept a question?

**Senator Comeau:** Yes.

**Hon. Anne C. Cools:** Honourable senators, I understood Senator Comeau to say that he had wanted this house to refer Bill C-54 to the Standing Senate Committee on Legal and Constitutional Affairs yesterday. That is what I understood him to say. I also understood the honourable senator to say that there were conversations between him and the leaders of the opposition. I also understood him to say that he would have needed unanimous consent and that such consent would not have been forthcoming. However, I did not hear any unanimous consent asked for on the floor of this house yesterday, so the honourable senator must have been referring to statements that were made in private conversations.

Could this house have clarification? I found the whole situation yesterday unusual. The Senate should know and understand, and I would like to know myself.

**Senator Comeau:** I would have to go back to the record yesterday to know exactly how it happened on the floor — whether I referred to unanimous consent or not. However, I can say that yesterday morning I asked whether the other side would accept, with unanimous consent, that the committee be empowered to sit. The response was no. That was yesterday morning.

Again, yesterday afternoon, at the time of the vote to refer the bill to third reading today, during the division bells, I called the other side to ask if we could consider that this bill was referred to committee prior to the vote and whether they would be willing to accept sending this bill off to committee and avoid sending it to third reading. To this request, again, I was told no. However, I would have to reread the record exactly prior to the vote to determine whether we mentioned the words “unanimous consent” or not. I do not recall.

**Senator Cools:** Honourable senators, I would like to have clarification whether there was a stated will by the opposition against having the bill referred to committee yesterday. I understand the Honourable Senator Comeau to be saying that is the case. I understand the honourable senator to be saying that if he had not moved the bill to third reading yesterday, the bill would have fallen off the Order Paper. I understand the honourable senator to be saying that he was compelled into that

action because he asked the leaders of the opposition to agree to refer the bill to the committee and that agreement was denied or refused.

Honourable senators, this point is important to me, and not only on procedural propriety. It is important to me because I am an independent senator who takes more than a little interest in some of these questions. I always have this sense, this terrible sense, that the recognized parties and their leaders ignore independents. I must tell honourable senators that it is tiresome. It seems to me that if such an important matter was being discussed between the leaders of the government and the leaders of the opposition, someone should have been dispatched to consult the independent senators to find out what they thought. I have many thoughts on this matter. As I said before, I keep telling senators that when they want my support, they must talk to me. I hope I am making this point clear.

I wonder if the Honourable Senator Comeau could be crystal clear, because I understood him to say that this bill could have gone to either the Standing Senate Committee on Legal and Constitutional Affairs yesterday or even Committee of the Whole yesterday.

**Senator Comeau:** Let me be as crystal clear as I possibly can. Our intention yesterday was to ask this chamber to send the bill to committee. That was our intention. However, sending the bill to committee, without the committee having the right to sit yesterday and today, effectively would kill the bill if the election is called, which we presume it will be.

Sending the bill to committee — I repeat — would kill the bill. Our request yesterday was to ask the opposition if they would consider giving the Standing Senate Committee on Legal and Constitutional Affairs the power to sit.

May I have five more minutes?

**The Hon. the Speaker *pro tempore*:** Is leave granted for an additional five minutes, honourable senators?

**Hon. Senators:** Agreed.

**Senator Comeau:** Effectively, we were asking that we have unanimous consent for the committee to meet; in other words, the committee would have the right to meet. We needed unanimous consent to meet. I did not receive it. Had I been given the go-ahead from the opposition side, our side would have agreed; immediately, as I almost always do — or as often as I possibly can — I call Senator Cools, Senator Murray, Senator McCoy and Senator Rivest and ask: Would this be agreeable?

There is no need to call honourable senators if I have been told there is no agreement, and the phone calls to the honourable senators' offices would not be necessary because I have already been told no. We never reached that point. However, had I been given an indication that either side was receptive to meeting either today or yesterday, in Committee of the Whole or possibly another committee, obviously I would have called the honourable senators' offices and asked if that meeting would be agreeable to them, which is generally my *modus operandi*. I generally call them.



**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I would like to respond to some of the comments that have been made by my honourable colleague, Senator Comeau, and give some context.

It is true that my honourable colleague and I meet every morning to discuss the business of the chamber. It is true that Senator Comeau indicated that there was a desire to deal with Bill C-54, which arrived on Monday and was being discussed for the first time on Wednesday, and then yesterday by our critic, Senator Campbell.

At that time, the Standing Senate Committee on Legal and Constitutional Affairs was dealing with Bill C-475. That committee has put in many hours dealing with five government bills over the last three weeks. They have put in overtime. They heard from 70 expert witnesses, which would inform the opinions that honourable senators have with regard to the legislation that is before us.

With Bill C-475, there were difficulties thought to be associated with the bill at first. There was a question of an amendment perhaps being necessary for Bill C-475, because it was connected with another bill, and complications were possible.

• (1030)

When I met with Senator Comeau yesterday at 10:00, I thought that Bill C-475 would be dealt with for the whole day. I had no idea it would be completed by the time we came in at 1:30. When Senator Comeau asked me if I would be willing, I said that the committee was already dealing with a bill. They have put in overtime. I would not be inclined to do that because there would be no time for the proper study of Bill C-54.

The important thing to remember is that what was being requested is that the bill not only be referred to committee but that it be referred to committee and then brought back here at 11 o'clock this morning. The committee could not conduct a proper study of a bill when it is already dealing with another bill. At 4:30 yesterday afternoon, Senator Comeau asked me, "Would you consider referring it to committee and bringing the bill back to the chamber by 11 o'clock? We could give the committee until 11 this morning." It was 4:30 in the afternoon; we were in the middle of a call for a vote.

We have to take our role as senators seriously. We cannot simply bring in a bill and then rubber-stamp it. The bill has to receive proper study. Section 17 of the Constitution Act, 1867, gives us our responsibilities as senators and states that we have to give proper advice and then finally consent to legislation. To give proper advice, we need to hear expert witnesses and the opinions of concerned Canadians.

Honourable senators, we have to do our constitutional duty. As Senator Cowan has indicated, the government has not put this bill on its priority list. It cannot simply say, all of a sudden, that it wants this bill. It cannot say, "We need this bill immediately; omit proper committee study."

It is in that context, honourable senators, that we said it is not possible.

**Senator Banks:** Can I ask a question of order? Are we now debating Senator Cowan's motion in amendment?

**An Hon. Senator:** Yes.

**Senator Banks:** Thank you.

**Hon. Joan Fraser:** Before I begin my remarks, I would like to thank Senator Comeau for his kind remarks a few moments ago.

**Senator Comeau:** I meant every word.

**Senator Fraser:** I do remember the time we spent working as counterparts and I, too, found him always to be very professional and straightforward in his dealings. I always appreciated that.

I would like to piggyback on his remarks to pay my own tribute to the members of the Legal and Constitutional Affairs Committee. Always, but particularly this month, they have been truly an ornament to the Senate.

Honourable senators, any of you who have a few spare hours some day, come along and listen to the way they work. It is something of which we can all be proud.

On Monday of this week we had a marathon sitting. We began at 10 o'clock in the morning and finished at 9 o'clock at night. Quite a number of members of the public, other witnesses, sat all through those hours to hear our proceedings, partly because they cared about the bill that we were considering, but partly, as several of them told me explicitly, because they found the proceedings were of such high calibre. One of them, who has appeared before many committees of Parliament, both in the other place and here, said, "That was the best day I have spent on the Hill in years." It is because of the work of members of the committee, so I want to thank profoundly all of them on both sides.

I want to speak in favour of Senator Cowan's motion, not because it is what such motions often are, not because it is a hoist motion. It is not. It is a motion designed to have us do what we are supposed to do.

I suggested yesterday that the committee would need to explore many questions about this bill. This is a 30-clause bill, making many amendments to the Criminal Code of Canada. Let me stress that I am not — not — suggesting that we should, in any way, try to weaken or avoid protecting our children from sexual predators. Nobody in the chamber wants that. If there is a group of people that the legislators of Canada should be vigilant about, it is those who prey on our children. We all know that and we all want that.

We have also learned that there is no such thing as a simple amendment to the Criminal Code. We thought we had one in the methamphetamine and ecstasy bill. It turned out there were lots of questions about that.

Let me give you examples of the things the committee would need to explore in order to do a proper study of this bill. For starters, since this bill imposes a raft of new mandatory minimums, it is only six years since we put in the last round of mandatory minimums for sexual offences. We would have wanted

to hear what the verifiable effect of them has been. Are they turning out to be a useful tool to avoid sexual predators or predations?

Another question: As it happens, all of these new mandatory minimums involve sentences of less than two years, meaning that they will be served in provincial institutions. What will the impact of that be on provincial governments?

Money should not be the determining factor when we make decisions about justice, but the fact is that in the provinces, as in the federal government, money is a finite resource. Every dollar spent on prisons, on jails, is a dollar that cannot be spent on rehabilitative programs.

Do the provinces think that dramatically increasing, in many cases, mandatory minimum sentences is the best way to tackle the scourge that sexual predators represent? They are the ones who will be handling the consequences of this bill.

There are other questions. This bill, as has been explained by Senator Runciman, creates a couple of new offences. One of them is making sexually explicit material available to a child. Who can argue that that ought not to be an offence? However, the devil may lie in the details. For example, no close-in-age exemption applies to this new offence. A close-in-age exemption basically says it is not an offence if they are two young people whose ages lie close to each other.

There are close-in-age exemptions for quite a lot of sexual offences in the Criminal Code. Parenthetically, as I suggested in my question to Senator Runciman the other day, we would have wanted to hear from the experts as to which clauses in the bill are covered by the close-in-age exemption. However, it is clear that this new offence of making sexually explicit material available to a child is not covered by the close-in-age exemption.

We have all heard of the relatively new phenomenon known as “sexting.” If an 18-year-old “sexts” something to his 16-year-old girlfriend, under this bill he will face a mandatory minimum time in prison — mandatory; no discretion for the judge.

Another thing that disturbs me — well, it does not disturb me, but I want to know about it — is that in the past, this kind of offence was captured in the Criminal Code by communication of sexually explicit material on computer systems. Now we are not using the phrase “computer system”; we are using the word “telecommunications.”

Telecommunications, presumably — I am guessing — was devised to capture the Internet in case a “computer system” did not seem to capture the Internet. Does it intentionally or otherwise exclude other means of communicating sexually explicit material to children?

• (1040)

If someone sent, for example, a CD through the mail, would that communication still be covered? I do not know. It does not sound like telecommunication to me. Maybe it is covered. Maybe there are sections in the Criminal Code, which is this thick, that

cover that particular question, but I do not know. I would like to hear from lawyers and from computer experts on that particular topic.

The same questions arise in connection to the other new offence that is created in this bill. It has to do with luring: making an agreement or an arrangement to commit a sexual offence against a child. Again, in lay terms, luring is a heinous act. We do not want it to happen and we want it to be punished if it does happen. However, will this bill, as drafted, do the job we all want to have done? I am not sure.

Another point I would like to make concerns the earlier offence I talked about, namely, making sexually explicit material available to a child that is created in clause 13 of the bill. In clauses 22 and 23 of the bill, offenders who commit that act become liable to have their DNA included in the DNA data bank and to be included in the sex offender registry.

That is probably a good thing in many cases, but what about that case I talked about, namely, the teenager sexting to his girlfriend? Should the teenager be liable to have his DNA recorded forever in a police data bank? Should that teenager be on the sex offender registry forever? These questions are serious and affect the real lives of real citizens of Canada, and only proper committee study can answer them.

Another point goes, again, back to one of the questions I put to Senator Runciman the other day. The new mandatory minimum for sexual assault, if the victim is under 16, is one year, if it is proceeded with by way of an indictment; and 90 days for a summary conviction.

Sexual assault, I remind honourable senators, is a term that in law covers an enormous array of conduct. Some of the conduct is horrible. Some of it is what we think of instinctively when we hear the phrase “sexual assault.” Some of it is not. Some of it is stealing a kiss when someone is drunk maybe at a grad, or patting someone inappropriately. These behaviours are offensive, but should a 17-year-old or 18-year-old boy or girl have to go to jail for them? It seems to me those questions need exploration.

Despite my best efforts and the best efforts of my wonderful staff, I have not been able to do all the examination of all the cross-references and changes involved in this bill because it is complex. For example, a clause appears to apply to invasion of privacy. I have not been able to wrap my mind around the provision, but privacy, goodness knows, is an important matter. There are then two pages of the kind of amendments, the kind of clauses that I talked about yesterday, the “after you Alphonse” clauses. That is, if another bill passes before this one or comes into force before this one, this one is amended in such a way. However, if this bill comes into force before the other bill, then the other bill is amended in such and such a way. There are two pages of those clauses. I have not had time to figure out the cross-references to all of those clauses.

Obviously, a proper committee study would hear from the minister and from the officials of various departments, the justice department, the corrections department and probably the health department. We know those people would be available on call because they are at the beck and call of the government. Other



people are not. We would need to hear from the provincial governments, from Crown attorneys, from the public prosecution service, from Statistics Canada, from experts on sex offenders and victims — everyone from social workers to academic analysts. We would need to hear from young people. We would need to hear from Aboriginal peoples, because sadly we know that this area has particular ramifications for many of our Aboriginal peoples. We would need to hear, as I suggested, from computer experts.

Honourable senators, all these people cannot drop everything, catch a plane, come to Ottawa and be here in time to testify by, let us say, midnight last night so that the committee could report at 11 o'clock this morning. It would have been, in my view, even more of a travesty to pretend to have done a proper committee study of this bill than not to study it at all. I believe that this bill is an important bill. I believe that what I think it is trying to do is probably worth trying to do in many cases.

Let me open a parenthesis there: The mandatory minimums raise questions — all mandatory minimums raise questions. In some cases, I would agree that mandatory minimums are probably appropriate. The new offences, as I suggested, I do think are probably appropriate. However, we could not possibly have completed such a study by 11 o'clock this morning. We could do such a study if the bill were referred to committee. The record of this committee this month suggests to me that its members can do serious work in a remarkably effective time. We cannot, however, do the impossible.

It is suggested that because we know the government will fall today, that is irrelevant. I am not sure we do know that. We will not know that until the votes are counted. We have all seen surprises before now.

May I have five more minutes?

**The Hon. the Speaker *pro tempore*:** Is leave granted, honourable senators?

**Some Hon. Senators:** Agreed.

**Senator Fraser:** Even if the government does fall, when we are dealing with bills covering matters this serious, I believe it is absolutely vital that we know what we are doing.

It is not as if sexual predators were not now the targets of the Criminal Code. They are; in great detail and with remarkable severity. It is not as if we were saying, let child abusers run free. We are not saying that. We are saying only: Should we adjust the way we handle them or not? The only way we can possibly know that is by listening to the people who understand the vast ramifications of this topic.

That, honourable senators, is why I support Senator Cowan's motion.

**The Hon. the Speaker *pro tempore*:** Is there further debate?

**Hon. Tommy Banks:** Honourable senators, in speaking to Senator Cowan's motion, I will make myself unpopular here. I apologize upfront for the fact that I have the temerity to say the things I will say. I understand that I am doing that going in, so

I apologize in advance. I hope that I will not sound hectoring or lecturing. These things are only my opinion and no one else's, necessarily.

I think it is not merely unwise, but wrong for us to conduct business in this place in anticipation of something that is, at the least, uncertain. In fact, I am taking bets, and I will tell you that there will not be an election. To use the vernacular that is going on, the opposition cannot call an election. Oppositions cannot do that. Prime Ministers can do that. Oppositions can defeat the government, but it is my prediction that this will not happen today. Even if it were to happen, it is not appropriate, and in fact I think it is wrong, as I said, for us to conduct business in this place because we think something might happen, however imminent we think it might be.

• (1050)

As Senator Fraser pointed out, we cannot discuss with any certainty the substance of the bill before us because we do not know about this bill. We received this bill this week, and we do not know anything about it.

I do not know if honourable senators have had a chance to look at it. This is a complicated bill, as Senator Fraser has said. I concur with everything that she has said about the inability of a committee, even that committee — and Senator Comeau's compliments to it were appropriate and well deserved — to properly, for the reasons that Senator Fraser has enumerated, study this bill, which is what we are here for. That is why we are here; that is why this place exists. I am sorry to be this presumptuous, but that is why this place is here; it is what we are supposed to do. We are, to use John A. Macdonald's words, to give sober second thought, and no such thing could happen in the time that was allowed.

We cannot talk about the bill very much because we do not know anything about it, and that is the point. The problem is the process that Senator Comeau has proposed, that is to say, that we should deal with this bill at third reading today.

I have only been here for 11 years, and I have asked everyone that I know of who has been here longer than I whether anything like this has ever been done before.

**Senator Cools:** You did not ask me.

**Senator Banks:** Yes, I did.

**An Hon. Senator:** Ask her.

**Senator Banks:** I have asked Senator Cools, Senator Murray and others who are no longer here. The information I received from everyone I asked is that, with the exception of uncontroversial legislative matters in which agreement was obtained by both sides, regardless of who the government was, no bill of substance in this place has ever, to anyone's recollection, gone to third reading without first having had committee hearings.

Senator Comeau has said here more than once, and he is exactly right, that among the most important —, if not the most important — things that we do in this place are carried out in our committee meetings. That is where the heavy lifting in this place is done.

Senator Comeau said today that the committee ought to be satisfied to do the best that it can in the circumstances. There is an old joke about finding the Canadian equivalent of “as American as apple pie” and “as British as a stiff upper lip.” The answer is “as Canadian as possible in the circumstances.”

“As possible in the circumstances” is not good enough when considering a 30-clause bill that would amend the Criminal Code in many ways, as Senator Fraser has described. The best we can do in the circumstances is not good enough, and we should never accept it as being good enough.

I will now get into very dangerous territory, and I apologize for my temerity, honourable senators. I am speaking to all of us, but, most important, to those on the other side.

Some senators opposite seem to have the impression that, and operate as though, government bills that come here — not Commons bills, but government bills — are on tablets of stone and have been brought down from some mountain and are inviolable, perfect and not in need of any scrutiny or questioning, let alone, God forbid, amendment. That is not so, senators, and there have been examples of that here in the last couple of weeks. One example is Bill S-11 and the things that Senator Fraser referred to today. Government bills are not perfect. It is up to us. Justice Willard Estey told a Senate committee that it is our duty to scrutinize these things and to make them better, if not perfect. We have done that; we used to do it.

My point, honourable senators, is that the most important thing about you is that they cannot get rid of us; they cannot kick us out of here. You do not have to agree with everything that someone over there says. There are no consequences of which I am aware.

**Senator Cools:** I could tell you about many consequences, Senator Banks.

**Senator Banks:** Senator Cools will regale us on this subject at another time.

However, I can tell you that in my personal experience there have been no consequences, and I have often done what I am now talking about.

I took the trouble, honourable senators, to be able to tell you today that between 2000 and 2006 this place made 197 amendments to government bills, and during most of that time there was a very large Liberal majority in the other place and an overwhelming Liberal majority in this place. We made 197 amendments to government bills and sent them back there.

They did not like that, but we are still sitting here. I still have the same office that I had, and I still get to go on trips to Washington occasionally.

**Senator Cools:** I never got the office I was promised 20 years ago.

**Senator Banks:** Senator Cools will regale us later. Senator Cools is clearly an exception to the rule in every respect.

**Senator Cools:** I am always the exception.

**Senator Banks:** That is a mortal fact, honourable senators. We made 197 amendments.

Within weeks of when I arrived here, the clarity bill was introduced. I was a naïf and did not know what I was talking about, but I thought that I did, and I devised an amendment to the clarity bill. The clarity bill was Prime Minister Chrétien's favourite baby, and thank God he did it. It was written by Stéphane Dion, for all intents and purposes.

**Senator Cools:** I voted against it.

**Senator Banks:** I know that Senator Cools voted against it, and so did I.

I devised an amendment to the Clarity Act. The people down the hall were apoplectic. How dare I? I did not know what I was doing and I understood that they could not kick me out of here, so I moved an amendment to the Clarity Act, and it was defeated by 17 votes. That means that a lot of Liberals voted in favour of my amendment. All the Conservatives did, as did Senator Cools.

My amendment was not passed, so it is not on this list of the 197 times that we amended government bills during that time. There were no consequences for me. I was frowned upon, but I was not scolded. I did not lose my office and I did not lose my seat on any committees. I understood that that is what we are here to do. We are here to correct.

• (1100)

We are the quality control department of Parliament. We are to take out the dents and the scratches, to make sure that the bills we pass into law do what they say they will do, achieve the ends they purport to achieve, and do not step on other people's toes. That is our job, and I hope we will all do it.

To do our job, in respect of the bill that is before us, it must be studied, as Senator Fraser has said properly, by a committee, and it was not possible to study the bill by the time of this anticipated event this afternoon.

However, we should not be guided by that timing. This bill should be sent to committee for study, and that committee will sit, I promise you, next Tuesday.

**The Hon. the Speaker *pro tempore*:** Is there further debate?

**Hon. Lillian Eva Dyck:** Honourable senators, originally I did not think I would speak to this motion, but having listened to my colleagues on this side, I feel that I must.

As some honourable senators know, when I first arrived in the chamber, I was an NDP senator. Essentially, I sat as an independent for many years, and then decided to join the Liberal side.

**Some Hon. Senators:** Hear, hear.

**Senator Dyck:** I have been the deputy chair of the Standing Senate Committee on Aboriginal Peoples for the last year and a bit. Senator Banks brought up Bill S-11, which was sent to the



Aboriginal Peoples Committee. Of any bill, it shows how our process works so well. That bill was referred to the Aboriginal Peoples Committee for study. It was a government bill, introduced into the Senate, and we started studying it, I think, the first week in February. We studied the bill for about five or six weeks. We heard from witnesses from coast to coast to coast. We heard from national Aboriginal leaders, from regional Aboriginal leaders and from the Indigenous Bar Association. We heard from the Institute on Governance. We heard from Aboriginal and non-Aboriginal witnesses, all of whom said the bill is not good; it should be withdrawn; it should be reworked; and the government had been too hasty. The bill was a good idea because First Nations deserve safe drinking water; however, the bill would do more harm than good.

Finally, within the last two weeks, the two sides worked together on the committee, and we agreed that the minister would take the bill back. The minister would instruct the department to work collaboratively with First Nations leaders to improve the bill, and we shared amendments from this side. We saw the government amendments and the amendments that came from Senator Banks, Senator Dallaire and Senator Sibbeston, who all had great amendments. We said we would share those with the minister.

That process worked beautifully, and it shows that, to do our job, we must go through the process that is meant to be gone through, and in this case, it showed that a government bill was seriously in need of repair. At the end of that process, it was clear to the minister and to the departments involved that they must step back and have another look at the bill. That is what they are doing now.

The same situation applies here. We have not had a chance here to study that bill. I know that this bill has gone through a process like that in the House of Commons, but we have not had a chance in the chamber to study it. If there is one thing I have learned in six years — it will be six years next April that some of us were appointed — it is that within this chamber, on both sides, we have tremendous minds. We have great diversity. We cannot just sit on our butts, say nothing and allow this bill to proceed without giving it sober second thought.

**Some Hon. Senators:** Hear, hear.

[Translation]

**Hon. Grant Mitchell:** Honourable senators, I am pleased to have the opportunity to take part in this debate.

[English]

There are two levels on which we join this debate today. One is, of course, the substance of a bill that is probably poorly thought out, designed far too quickly and based upon ideology rather than scientific thought about what we should do to reduce crime and make Canadians truly safer.

Unfortunately, that debate will not have the opportunity to be explored in the depth in which it should be because we simply will not have the opportunity to have a committee. However, that situation raises another issue — not to diminish the importance of the issue that this bill addresses — but a much broader and more

significant issue about freedoms, safety and security, the essential quality of our democratic system and the importance of our reflecting, defending and sustaining the institutions that are so significant in sustaining and defending the very freedoms that would and should allow us to have had the debate in committee that we will now be denied the opportunity to have.

Of course, I am talking about the role that this institution, the other place, the judiciary and less formalized institutions like caucuses and political parties, for example, in our parliamentary process, which are fundamental bedrocks to the freedoms that we enjoy in this country, and which this government talks about so much, sometimes, unfortunately, in an almost jingoistic way.

I remember recently the Prime Minister giving an impassioned presentation in announcing that we would send troops, equipment, materiel and planes to Libya to defend freedom. Of course, those words were inspirational, and he made quite a flourish with them. I am sure he was absolutely committed in his heart to what they meant and how important they are to us.

However, it seems to me that what the Prime Minister and his government do not understand, and what the behaviour of many facets of his government reflects a lack of understanding about, is that these institutions that we stand in today need to be defended, because they are essential in the maintenance and defence of the freedoms that those pilots and other personnel over Libya and in Afghanistan are defending on our behalf.

People take government institutions like our Parliament and our judiciary absolutely for granted. I think it is not a coincidence that about 30 years ago, we saw an emergence of often irrational attacks from the right wing on government, politicians and everything that government is about and that places like the Senate try to do.

I can remember taking part in a debate in the early 1990s or the late 1980s with John Williams, who later became a member of Parliament. He was running to be a member of Parliament. He was standing beside me criticizing politicians. I turned to him and said, What do you think you are, John? You are a politician. Why would you put yourself down?

Why would we put ourselves down, and why would we put these tremendous, beautiful, wonderful, remarkable institutions down?

When we receive a bill on Monday and are expected to pass it in four days, and when we are criticized for stepping back a little bit to say, no we think we should have more time than two hours or an hour and a half to study and pass a bill of this nature, and of this importance to, as Senator Fraser indicated, many young people's lives — young people who might make a mistake that would be misconstrued under the kinds of rigours this bill will implement — if we ask for a few moments to study that bill, we are attacked for somehow being unreasonable. The bigger issue here is what is reasonable for these institutions.

• (1110)

What the government is driving us to do today is really a reflection of a long-term process of perhaps consciously, or perhaps more perniciously, unconsciously, undermining the very

institutions that protect, defend, bolster our symbols of freedom, among many other things, and the very freedoms that Canadians are risking their lives to defend around the world.

Honourable senators, one of the real issues, when one thinks about trying to establish democracy in Iraq, Afghanistan or Libya, is that these countries do not have structural, concrete institutions or even virtual institutions of democracy. The people in these countries do not have anything on which to hang their aspirations for freedom and democracy. They are starting from below ground zero.

Honourable senators, our institutions, even if they process almost nothing, reflect democracy, and they are what we hang our freedoms on and they need to be nurtured and protected in everything that we do.

Honourable senators, let me begin to list some of the indications that these institutions have been eroded and that they are being attacked. The one I find very pernicious is the judge-made law attack. All that is is a cynical, spinning, deep right-wing put-down of the best judicial system on the face of the earth. Our system is respected and envied by people all over the world for its fairness, justice, quality and the freedom and rule of law it supports. We have a Prime Minister and a government that continually refers to judge-made law in a derisive, dismissive, diminishing way that fundamentally hurts our institutions and our freedoms.

Another example is Ms. Oda, a minister of the Crown, who misled Parliament. I cannot use the L-word because I know I inappropriately used it the other day, for which I apologize. Minister Oda, consciously and repeatedly, misled Parliament. The minister has actually admitted doing so.

Honourable senators, what does that do to the quality and the integrity of that institution? What does that do to Canadians' appreciation, the world's appreciation of that institution? If people can see that people in authority and significance can erode it, they begin to see that it is not as important as it absolutely has to be if we are to sustain our freedoms, justice and the rule of law embodied in our Parliament.

I remember the 200-page committee binder that the government put together with the sole purpose of hamstringing the committee process in the House of Commons. This is a strong word, and it may sound maudlin to some, but these places are "sacred" places for freedom and democracy. In the cynical spinning, political manoeuvring and manipulation that was captured in that binder, we see that instead of having a government that is working in a place that it should be defending and building and sustaining, we have a government that actually hates the place in which it is working. We see a government that wants to diminish it and is in fact on the way to diminishing significantly its influence and its impact.

Honourable senators, look at what is happening in committees in the House of Commons where ministers are not allowed to answer questions. Instead, they have a pit bull that gets up and answers the bulk of the questions. Accountability is essential to sustaining the freedom, power and integrity of these institutions, but they will not allow most ministers to answer questions and be

held accountable in front of the people of Canada. That is an affront to these wonderful institutions and it diminishes and erodes them. At the same time, the government is doing that and allowing that to happen, they are asking our Armed Forces to go across the world and fight for the very freedoms they are allowing to be eroded here at home.

Honourable senators, look at what is happening on the Standing Senate Committee on National Security and Defence. I have been criticized for being rude to the minister who came before us this week. My first reaction to that is, so what? So what if I was rude to a minister? It happens that I was not rude; I disagreed with the minister. I implied that disagreement in some questions. Is that not part of some reasonable debate? Somehow, a senator being rude to a cabinet minister would be an implicit criticism of what we were doing. I hope we would question cabinet ministers and disagree with them when they came here, and I certainly hope that the members and the chair of the committee would not consider that being rude to a cabinet minister would in any way, shape or form be an implicit criticism of what we are doing. So what? Great! Bring it on!

Asking a question that implies a disagreement or a criticism of what that minister was doing does not show a lack of respect for the minister. In fact, honourable senators, there is implicit respect that one would question a minister in a rigorous way. There is implicit respect for the intelligence and the motivation of that minister to want to do as well as possible, and implicit respect for the very institution that honourable senators need to sustain, develop and maintain every time we stand up and speak in this institution. We have a role, and if honourable senators doubt its credibility, honourable senators only undermine their own purpose and reason for being in this chamber.

This institution has a fundamental intrinsic constitutional credibility, and a role and a responsibility to fulfill. Remember honourable senators, there are many people in this government who are appointed, who give advice to government at very high levels. I want to point out that Mr. Carson would be one of them. The difference is that we of course give advice to government. Yes, we are appointed, but we give our advice in public.

Honourable senators, I want on the record, how the Defence Committee was eroded in its ability to its work. I was most pleased to be a member of the Defence Committee, and now it is not. Honourable senators, when the Defence Committee was in Washington I tried to ask questions of security officials about what they thought of buying oil sands oil rather than Saudi Arabian oil in order to defend and enhance the security of the United States of America. I believed that was a reasonable question from a senator from Alberta, trying to defend the interests of the important oil sands industry in Alberta. I asked the question within the context of security in discussions with U.S. security officials who would benefit from such a transaction. I got the question out once.

The next meeting, several meetings later, I tried to ask that question again, and the chair of that committee cut me off. The chair said that my question was not appropriate. I swear, she said it was "not appropriate."

**Senator Cordy:** Shame.



**Senator Mitchell:** Honourable senators, I asked the question anyway, because I cannot imagine how it can be any more appropriate than for an Alberta senator to ask a question about secure oil from his province that would help one of our best neighbours, best allies, to be more secure in the context of a meeting about security.

**Senator Dallaire:** You were discussing ethical oil.

**Senator Mitchell:** Yes, honourable senators, we were discussing ethical oil, but the chair cut me off. This is evidence of what is happening under this regime, this slow, subtle, sometimes not so subtle erosion of these institutions. There are consequences, and the consequences are that they cannot reflect the kinds of credibility that defend, support, maintain, and inspire Canadians and others to freedom in our country.

Honourable senators, Senator Comeau stood up and said in a dismissive way that we had lots of time and we would be able to pass this bill in four hours. The minister of the Crown wrote to us and blamed us for delaying Bill C-55 for four days. The government has had that bill for seven months. They government has had it for five years. During that time, the government could have actually done much of what that bill supposedly does.

When Senator Comeau stands up and does that, he is directly affronting these wonderful, remarkable, beautiful institutions that are envied and admired by people all over the world. Senator Comeau is abusing them in a way that is unseemly, unsightly, and unacceptable and beneath contempt, in my estimation.

Honourable senators, I think they should step back and allow this chamber to perform its proper function. We have a duty to make sure we pass legislation properly. We must explore the bill properly and fully in the context of institutions that are allowed to flourish and defend the very freedoms that we have people fighting for all over the world.

**Senator Cools:** Will the honourable senator take a question?

**Senator Mitchell:** Yes.

**Senator Cools:** I must say, honourable senators, that anyone who is surprised at the pressure that is on us at a time like this, obviously did not serve here between 1993 and 2006. Let me tell you, honourable senators have never seen people press bills out of us like the government did between 1993 and 2006.

**An Hon. Senator:** Bravo.

**Senator Cools:** I know, because when it came to the supply bills, I was heavily involved in pressing those out of senators, so I know a little about that.

• (1120)

Let us talk about this very end of March week some years ago, honourable senators, when I worked on three bills: two big supply bills and also the difficult bill organizing the Canadian Air Transport Security Authority, Bill C-49. Let me tell you, I know

about bills being rushed through this place. If any senator has ever tried to lead on two supply bills and another large bill like that, I will tell you, it is difficult.

My question is about our parliamentary institutions. I am pleased that Senator Mitchell has raised concerns about them. I wonder if anyone has noticed that —

**The Hon. the Speaker pro tempore:** Senator Cools, I believe you have spoken —

**Senator Tardif:** Five minutes.

**An Hon. Senator:** She is asking a question.

**The Hon. the Speaker pro tempore:** Senator Mitchell's time is up. Senator Mitchell, are you asking the chamber for more time?

**Senator Mitchell:** Yes, I am asking for more time.

**The Hon. the Speaker pro tempore:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Cools:** Honourable senators, in respect of the unusual things that are happening, and there are so many that it is hard to respond to them, few seem to have observed — except perhaps Senator Day and Senator Comeau — that we are going into an election now without having passed supply bills, at a critical time in the supply cycle, which is March and April. We have a situation where this house will not be able to pass the supply bill because of the timing of these various votes in the other place.

We have to understand what that means for a government. That means that the government will be compelled to resort to what we call Governor General's Special Warrants to withdraw billions of dollars from the Consolidated Revenue Fund, which, to my mind, we should not allow.

**Some Hon. Senators:** Hear, hear.

**Senator Cools:** The government has been put into that position.

I wonder if Senator Mitchell has any views on that unusual situation that has been created with the supply bills and supply process. Never mind not getting to study this bill; how about not getting to study the supply bills as well?

**Senator Mitchell:** First, honourable senators, with respect to what happened in a previous government, I would, of course, say that if we believe what the senator has said, then clearly the implication would be — because it was an implied criticism — that she would want to see it done better now. She should be exceptionally critical of what this government is doing.

This government has the experience to have observed something that was done inappropriately, but they have not learned from that. In fact, they simply exploit that to explain and spin their inadequacies.

I would also say — and this should be interesting to the honourable senator in many ways because she defends rights so articulately, consistently and well — that it may be that there were certain pressures during that period. I do not know. I do know that what came out of that period was real progress on human rights. Gay rights and gay marriage were excellent achievements for human rights, as well as women's rights and women's choice. They were all defended consistently and in a long-term and significant way.

When one considers the kinds of encroachment on rights that I see here, such as votes on private members' bills, those are the kind of changes that were brought to that institution so it could be opened up more before it is shut down by this government. These are all great accomplishments that, I think, push back on the implied criticism.

However, this idea that there might be a day or two, or a period of time, during the process of Parliament where democracy would be suspended, where there would be a reason why people could not have the right to vote, is difficult to —

**Senator Cools:** Supply.

**Senator Mitchell:** Okay, supply. If there is a supply issue, we will not have the right to vote. Elections are off. Maybe we should start a list. Maybe we could start a list of times when we could not have elections. Supply would be one. Can we think of others? Maybe we could not have elections when we are at war.

**Senator Cools:** Yes, but —

**Senator Mitchell:** I am speaking, am I not? If anyone respects this institution, it is Senator Cools. She should allow me to speak.

Let us add to the list. So we could not have it when there is supply or budget debate, maybe, because that is pretty important. We could not have it when we are at war. Can we begin to list all the times when we might exclude the possibility of having an election?

Why is it that an election in any way, shape or form would be an affront somehow to this institution that is an essential element of democracy? Elections are democracy.

By the way, honourable senators, there are many ways that governments are sustained during elections and there are many ways that funds can be allocated. Because we have a history of institutions with checks and balances, we are able to have elections in periods of time when supply has not necessarily been voted.

However, how does the honourable senator know that we are not going to get to vote on supply today? We may well get to vote on supply today. There is no guarantee that will not occur.

[Translation]

**Hon. Roméo Antonius Dallaire:** Honourable senators, I am pleased to take part in this debate at third reading of Bill C-54. There is a methodology in place that should, in my opinion, be among the first of the reforms.

The process is affecting the content of the bill. The Leader of the Government in the Senate is a minister and part of the cabinet. Accordingly, she should certainly have some influence and be able to manage, with government authorities, the progress of the various bills. She should have sufficient influence to ensure that the Senate Chamber does not find itself in such an irresponsible and ridiculous situation as the one in which it finds itself right now. Ethically speaking, we are not fulfilling our duty. We are not acting ethically if we try to skip some steps in a process that is already complex, simply in order to push through a bill.

[English]

Let me give an example with regard to the absolute haste of Bill C-54 and the willingness to burn each step or every obstacle in order to get it through, when there is another bill that, in my opinion, should have gotten more attention and will sit and probably die.

I will refer back to two points, if I may. First, I refer to where I stand as an individual senator. Yesterday was my sixth anniversary as a senator. Hopefully, my apprenticeship is ebbing, but I am not sure when we continue to see the sneaking-in of new methodologies.

When I was called to the Senate, the Prime Minister told me I could sit as either a Liberal or independent senator. At the same time, that same Prime Minister nominated Conservative senators — they may have been Progressive Conservative at the time — and even NDP senators.

This Prime Minister had a vision of this institution being able to have a level of independence to provide the sober second thought. In the military, we call that an independent double-check.

I am here and I have the flexibility to look at bills coming from the Liberals — which I did when we were in power — and now from the Conservatives, and decide individually whether I am for or against them. I can explain myself, and that is it. My loyalty is to the people of Canada in doing my duty as a senator and not as being part of a process that emasculates my ability to act independently, even though I am allowed to do so as a member of a party.

**Some Hon. Senators:** Hear, hear.

**Senator Dallaire:** That exercise was lost with the new recruits who have joined us. I have yet to see a new recruit on the other side even consider voting against a bill, or a report even, that they present in this chamber.

Either the rules have changed with the new Prime Minister — and that is a reform that did not get to our side — or they are getting suckered into something that is not on the books and should not be followed if they are doing their true duty to this nation and this chamber.

• (1130)

I come to my specific point in regard to Bill C-54, which is a bill to protect our children, the children of this nation. I come back to our morning prayer, because I find it extraordinary. This is one of



the rare places in this country that still has a prayer before sessions, and I am very glad that it exists. I was going to say, "Thank God for that." The prayer says, "... peace and justice throughout our land and the world." It recognizes a responsibility in our land and in the world.

Bill C-54 concerns, yes, predators and the abuse of our children that will affect them for the rest of their lives, and I agree with it. I cannot agree with all the wording because I am nowhere near a lawyer. I have just gone through the bill, and it would be impossible for me, if I were on the committee, to digest all of this in a matter of hours.

However, we have another bill that is much more simple, and that is Bill C-393. What would that do? Bill C-93, which we were hoping to pass, would save hundreds of thousands of children from dying. This bill would ultimately save, if passed, millions of children from being sick. It would prevent nations from falling into disarray as their future generations are dying in front of them.

However, honourable senators, we cannot move forward on Bill C-393. There is a serious ethical problem in regard to prioritization. We have not heard why Bill C-393 is so offensive. The other side does not want to debate it. They are adjourning debate all the time. Bill C-393, to me, holds a far more onerous and evil spell over this chamber than does Bill C-54. We know that we have the capability to prevent the deaths of hundreds of thousands of children, and millions from getting sick. We know we can do that, yet we are throwing this bill away because someone does not like it. There is no explanation as to why, yet every effort is made to curtail due process in this chamber to take care of our own children.

Maybe it is because our children are more human than the children in those countries, and, because of that, of course our children should be taken care of first and we should do everything we can for them, including fiddling with fundamental processes and perhaps placing adults ultimately at risk of civil rights abuse by ramming through a bill that really needs significant help.

I do not know how colleagues can sit there and hold a position of that nature with such a two-headed perspective of ethics, of moral standing, which they use all the time. They also hold a legal responsibility to the people of Canada and not to their party or to mine.

**Hon. Terry Mercer:** Would Senator Dallaire take a question?

**Senator Dallaire:** Indubitably.

**Senator Mercer:** The honourable senator made reference to the new recruits across the way. I could not help but thinking, as a former member in Her Majesty's service myself, that Senator Dallaire and Senator Day, as graduates of the Royal Military College, could put on a boot camp to train these people and tell them what their responsibilities might be. Would my honourable friend be willing do that after the election?

**Senator Dallaire:** I am afraid that I am not sure all of them would pass.

**Hon. Joseph A. Day:** Honourable senators, I have a few words to add on this particular matter. In terms of the senators here, I am approaching middle age. I look about the Senate, at Senators Baker, Nolin, Comeau and Tkachuk, and, on our side, Senators Kenny, Cools, Joyal, Pépin and Rompkey.

**The Hon. the Speaker *pro tempore*:** Senator Day, would you mind if I interrupted your presentation to ask if Senator Dallaire, who was speaking previously, would accept a question from Senator Segal? I did not see Senator Segal's hand go up.

**Senator Day:** I think it is quite important that Senator Segal have an opportunity to ask a question of Senator Dallaire, and therefore I yield my time.

**Hon. Hugh Segal:** Would Senator Dallaire accept a question?

**Senator Dallaire:** I find it difficult to refuse.

**Senator Segal:** I listened carefully to the nature of the case that the honourable senator made both for the bill in question and for the independent comportment that is, in his perspective and in mine, deemed desirable for members of this place.

My question relates to a procedural matter. The honourable senator and I did not enter this place at the same time. He is senior to me. However, many who sit on both sides are better versed in the rules, shall we say, than either of us.

I have had the privilege of putting forward several motions and bills that have died on the Order Paper through what I would call the unlimited and unrestrained capacity to adjourn, without any constraint whatsoever, for any period of time. I raise the proposition and ask whether the honourable senator would be supportive at some future date of working on a change to *The Rules of the Senate* that would limit the limitless capacity to adjourn that has been used by individual senators on all sides to keep ideas with which they disagree, not from being addressed, because they have the right to address it, but from even being discussed. It strikes me that this procedure diminishes the capacity of this place to both exercise sober second thought and to contribute creative ideas to the public policy process.

**Senator Dallaire:** We have not exchanged notes on this question. This reminds me of when I was acquiring the skills to go in front of cabinet or defence committees with slides to present projects. I was educated to always have with me a bunch of "what if" slides: "What if they ask me this question; I should have a response?" I thank the honourable senator for that question, because I have a response.

A year and a half ago, I went to the chair because I was frustrated by this continual process of not being able to hold people accountable for a specific time frame or methodology. We would drag on, preventing debate from continuing in a timely fashion and disrupting the momentum of debate. A point could be raised, and it could sit there for six or seven months. Momentum — the ocean; the human side — is part of the process.

The answer I received was that if I wished do that, it may not be to the advantage of our side either; that is to say, it is a tactic that is used. If you are in power, maybe it is a tactic you want to use to

be able to delay these things. I asked if I am the only one who had raised this issue, and I was told that it was up to me to think about it, which I have been doing.

Honourable senators, I think it is high time we talk about reform in this regard. I am looking for a change. I completely agree with introducing a methodology to bring these things to fruition in a timely fashion in an effort to keep the adrenaline going and the debate alive. Take a decision instead of constantly fiddling, delaying and ultimately causing great ideas to die. Production is very limited, as I see it.

• (1140)

Thank you enormously for that question.

**Senator Day:** Honourable senators, I thank His Honour for allowing the matter to revert to me after I had yielded. I appreciate that attention.

Honourable senators, I was talking about those senior senators on both sides of this chamber who provide us with guidance and the wisdom of years past. Some of these issues keep coming up. I want to recognize those senators whom I had mentioned, and others who are not here now — and Senator De Bané has just arrived — who do provide us with guidance that is critical for us to continue the history, the procedures and the practices that are not in writing but are critically important to this institution and the committees functioning in the manner in which they have historically functioned.

Honourable senators, my preliminary remark here is that it is a shame we cannot and could not find a way to deal with this particular matter, other than by wasting our time. This is a colossal waste of talent for dealing with a matter on which we should have been able to follow our normal process of having a committee study a bill.

Unfortunately, that is not the case. Therefore I want to go on record as indicating my support for this motion, because it is an affront to honourable senators and to this institution to not have the opportunity to understand what we are expected to vote on. It has always been my concern here that so much is voted on and so much is passed without at least some of us — and we all cannot understand everything that is going forward — being assured that the process has been followed and that some of our colleagues have had the opportunity to study in depth and to explain to us at third reading what is in the particular document. I believe that is a critical part of the process here.

Honourable senators, the best way I can explain my position in my humble way, which could never be nearly as eloquent as the speakers who have gone before me, is to talk about “The Tale of Two Bills.” Those two bills are Bill C-2 and Bill C-54. I can borrow the first line of the book from which I stole the title of this talk and say that they were the best of times and they were the worst of times.

**Senator Comeau:** That is very creative.

**Senator Day:** I acknowledged that I stole the line.

**Senator Comeau:** Oh, I see.

**Senator Day:** Perhaps the honourable senator did not get that it was Charles Dickens. It is a wonderful book and I would highly recommend it to him.

**Senator Comeau:** I thoroughly enjoy it every time I read it.

**Senator Day:** Honourable senators, I want to talk about these two bills and put them beside one another, in juxtaposition, so that we can see how this chamber can function.

Honourable senators who were not here when the government changed in 2006 might be interested in knowing about the very first piece of legislation that was introduced by Mr. Harper’s new government in 2006. It was Bill C-2, the Accountability Act. That bill went before the same committee that we have given accolades to for dealing with all of these bills over the past while with respect to the Criminal Code.

Bill C-2 was referred to the Standing Senate Committee on Legal and Constitutional Affairs. There are a good number of senators here who were involved with me on the committee that dealt with Bill C-2, including the chairman of the committee at the time, who is the Speaker *pro tempore* here today. Since I was the critic of the bill, he and I had many interesting discussions — interesting in some people’s jargon. However, I can say we were still speaking to one another after the bill ultimately passed.

Honourable senators, we took the time to study that bill, in spite of the protestations by John Baird. He can be very aggressive in his protests. In spite of that, we took the time to deal with Bill C-2 in the manner in which we, as senators, felt it should be dealt. We called all the witnesses we felt we should call. We said we could not get our work done by the summer of 2006, but we promised that we would get the job done by the end of October. In fact, it was prior to that when we finished our study on the bill. We met with all the witnesses. We provided a substantial report and 180 amendments to a bill that we were told had been “gone through with a fine-tooth comb.” We were told that there was no need for the Senate to take a look at it.

As time went on, even the Honourable Minister John Baird began to recognize the good job the Senate was capable of. As a result, 90 of those amendments were negotiated between John Baird and I, and the government accepted those amendments because of the good work done by the Senate. However, we had to put up with many slings and arrows — that is another one, from Shakespeare — of outrageous fortune. We had to put up with that before we could finally get on with our job. We did put up with it, we did the job, and we received many accolades afterwards.

Now we have Bill C-54. We are getting the same pressures. It is like Bill C-55 which I talked about the other day and the charade of a hearing that took place with regard to that, with virtually no witnesses and certainly no balance of witnesses. We had the same pressures we have now. Contrast what we did with respect to Bill C-2 and what we are doing now with respect to Bill C-54. It is for that reason that I cannot accept the avoidance of the committee process. I cannot accept this and I must support Senator Cowan’s motion in that regard.



Honourable senators, how do we feel our role should be performed here? I am sure we all ask that question from time to time. Is it a political role all the time? Is it an independent role most of the time and sometimes being influenced by the politics? I submit that there is a pendulum back and forth.

There are items, such as supply, that we recognize as fundamental to government. We seldom, if ever, would propose to hold up supply or to amend supply, because it is fundamental. We recognize that there is a political aspect to certain bills. We were ready with the supply bills.

The politics go on in the other place. For the majority of our time here, we have another role to play that is not political. We put on our spectacles to look at the legislation from the perspective of something other than the politics that is applied in the other place. It is a decision each of us must reach as to how we do that.

• (1150)

Do we come here to support a particular minority group? Do we come here to work particularly for our region, in conjunction with other honourable senators that may be on the other side of the chamber?

Those are some of the questions, honourable senators, that need to be determined by each of us. In my particular case, I try to draw that pendulum as fairly and with as much balance as I possibly can, having in mind that because there are three times as many members of Parliament sitting in the other place applying the politics, we can leave the politics to them and do the job here that the people of Canada expect us to do. That job is to make sure the legislation does not pass through here with the gaps and blemishes that have to be corrected sometime in the future by a judge. Maybe five or ten years down the line, they correct something that results in all the people who had relied on that legislation during that five or ten years being hurt by this decision when it was not necessary.

I have one other point, honourable senators. I believe there is a role for each of us to play, and in particular those who are in leadership positions, and I include in those positions the sponsors and critics of bills.

It is not our role to accept a speech written by the government department, deliver it and say, there, I have done my job with respect to a piece of legislation; because I am the sponsor, that is all I have to do.

It is our job, as sponsors and critics, to work together to understand the legislation and to make sure that our respective party leadership in the other place knows what is realistic, what can be done and what cannot be done. If we do not inform the House of Commons and the leadership there as to what is possible and what is not possible in the Senate, then they will continue to assume that once legislation is passed in the other place, it is passed. It is passed by Parliament.

Those in the other place totally ignore the role we have in the Senate, because we are not telling them about the role we have. With respect to Bill C-35, we hear the Minister of Health saying

the Senate is holding things up, and we hear Mr. Blackburn say the Senate is holding things up. With respect to the Minister of Health's bill, we had not even received the legislation yet and we were holding it up. With respect to the Minister of Veterans Affairs' bill, we had received it two days before.

**Senator Banks:** It was one day.

**Senator Day:** One day, I will give you that. We have a responsibility to tell those who ask us to squire their legislation through the Senate what is possible and what we have to do in this particular place.

Honourable senators, referring a bill to committee is an important part of our process. That part has been skipped on this particular matter because someone has agreed that this legislation is more important than the traditional role of the Senate. It is time for us here to stand up and say that the role of the Senate is more important to you, sir, and you must let us do our job. We will do the job, we will do it properly, and you will have legislation of which we can all be proud.

**Senator Mercer:** I am pleased with your recognition of my intervention.

I can only say to Senator Day's speech: amen.

I want to go back to Senator Comeau's intervention earlier in the debate where he made references to the committee in the other place that reviewed this bill, and in his words, not mine, were a "kangaroo court," which prompted me to retrieve the ninth edition of the *Concise Oxford Dictionary* from the table. I wanted to make sure I was not saying things about Senator Comeau's intervention that were not correct.

That dictionary says "kangaroo court" is a noun; it says it is an improperly constituted or illegal court held by strikers, et cetera. I thought that perhaps the committee in the other place was probably properly constituted.

I then thought that maybe that definition was not enough, so I went to Wikipedia, that famous site we all go to now:

A kangaroo court or kangaroo trial is a colloquial term for a sham legal proceeding or court. The outcome of a trial by kangaroo court is essentially determined in advance, usually for the purpose of ensuring conviction, either by going through the motions of manipulated procedure or by allowing no defense at all.

A kangaroo court's proceedings deny due process rights in the name of expediency . . .

**An Hon. Senator:** That sounds familiar.

**Senator Mercer:** Maybe that is what is happening here and Senator Comeau was quick to accuse the committee in the other place.

He is also quick, by the way, honourable senators, to accuse the people in the other place of acting in coalition — indeed, 75 or so of my friends in the other place.

I want to read this letter into the record. This letter is addressed to the Governor General:

Excellency,

As leaders of the opposition parties, we are well aware that, given the minority government, you could be asked by the Prime Minister to dissolve the 38th Parliament at any time should the House of Commons fail to support some part of the government's program.

We respectfully point out that the opposition parties, who together constitute a majority in the House, have been in close consultation.

Close consultation, honourable senators; that is what the author of this letter says.

We believe that, should a request for dissolution arise this should give you cause, as constitutional practice has determined, to consult the opposition leaders and consider all of your options before exercising your constitutional authority.

Your attention to this matter is appreciated.

Sincerely,

The letter is signed by Jack Layton, Member of Parliament, the Leader of the New Democrat Party; Gilles Duceppe, Member of Parliament and Leader of the Bloc Québécois; and Stephen Harper, Member of Parliament, Leader of the Opposition. The letter is dated September 9, 2004. The coalition proposer is right here.

If they talk about a "coalition" in the campaign, honourable senators be prepared that in every bus stop and every doorstep across this country, we will read this letter to Canadians because the words "coalition" in the modern terms of this Parliament were Stephen Harper's words, not the first words coming out of the Liberal Party. Stephen Harper said it. He started the whole thing. I know Senator Cordy is shocked, but it is true. That is where it all started.

The other thing that Senator Comeau talked about was those people over there controlling things. Sixty-five per cent of Canadians did not vote for those people. Sixty-five per cent of Canadians voted for someone else, so the majority of people voted for a party other than the Conservative Party. I am proud to say I was one of them. I am proud to say I walked into the polling station in Mount Uniacke, Nova Scotia, and although it was a secret ballot I will tell honourable senators I put my "X" beside the name of Scott Brison, Liberal candidate. Thank you very much. I was happy to do that.

• (1200)

I see this denying of due process to send Bill C-54 to committee as an attack on democracy, on the centuries-old history of the Westminster system of government and on Canadians' tradition, but I also wonder about some honourable senators on the opposite side who are much more learned in the law than I am.

I think of my friend Senator Raynell Andreychuk, who graduated from the University of Saskatchewan. I wonder what her colleagues in the class of 1967 would say about the process that is happening today and whether due process is being honoured. What about Senator Angus, who graduated from McGill law school in 1962? Would his classmates think that due process is being followed? What about Senator Carignan, who was admitted in the Quebec bar in 1988? Would his classmates feel the same way? What about my good friend Senator Dickson? I am sorry he is not here today because he is an awfully good man. What would his colleagues from Dalhousie University in 1962 say about whether due process is being allowed to happen? What about Senator Meighen, who graduated from McGill law school and was a professor of law? What about His Honour, a graduate of that fine institution of Acadia University and then on to Dalhousie? I wanted to commend His Honour for winning the Sir James Dunn Scholarship in law; congratulations for that. What would His Honour's classmates from the class of 1964 say as to whether due process is happening here? What about Senator Smith from Quebec? What would his classmates from McGill, in 1976, say about whether due process is being allowed to take place here? What about my friend and neighbour in the East Block, Senator Wallace, who graduated in law from the University of New Brunswick in 1973?

Honourable senators, I am concerned about those people in particular. I left out my friend Senator Nolin, who is learned in the law. I do not want him to feel left out. I had it all written down here. What would his classmates from the class of 1976 at the University of Ottawa think about this whole process?

I was concerned about these senators in particular because they are lawyers and they are supposed to be learned in the law and understand what is happening. Then I looked at the rest of my colleagues and thought: What about those two other famous people Mr. Harper appointed to this place, the ones with high profiles? What would Senator Duffy and Senator Wallin say if they were not members of this place and they were sitting up there in the press gallery, where they used to sit on occasion?

**Senator Munson:** I know what I would say!

**Senator Mercer:** Or when they were in the back room of the press gallery up there? We have all seen it. Our friend Senator Munson knows what I am talking about.

What would they be saying about what is going on here today? I suggest that Senator Duffy would have invited several senators to be on his show yesterday, today — probably a couple of days ago. There would be senators appearing 24/7 on the Duffy show because he would have been outraged at what is happening.

Senator Wallin, on the other hand, would have embarked on some great documentary process about how this travesty could have happened to the good people of Canada.

**Senator Cordy:** Not anymore.

**Senator Mercer:** Not anymore because Senator Duffy and Senator Wallin are sitting over there.



Senator Harb is interested in protecting seals. There is a whole whack right here, Senator Harb; do not worry.

The essence of this matter is that this is a complicated, important piece of legislation. The intent is to do something very important. However, there are 30 clauses to this bill. How are those of us who are not learned in the law supposed to absorb all of the details?

I have had the privilege of sitting on the Standing Senate Committee on Legal and Constitutional Affairs from time to time. When I am on that committee, I go to try to learn. I am always impressed by the quality of the witnesses. As a non-lawyer, I ask: "What does this really mean to the good people I represent in Nova Scotia? What does it mean to my friends with whom I grew up in the north end of Halifax? How does it affect those men, women, boys and girls? How does it affect the community?"

Honourable senators, when I go back to the province this week to knock on a few doors and they ask me about how Bill C-54 affects them, I will not be able to tell them. His Honour will not be able to tell the good people in the South Shore when he goes home, either. We have not had the opportunity to study the bill in committee so we can ask about the details. We want to know.

Senator Campbell wants to be able to explain to the people of British Columbia what this legislation will do. Senator Cordy wants to be able to tell the good people of Dartmouth the same. Senator Munson wants to tell the people along the Rideau Canal what this means. Senator Tardif cannot wait to get back to Edmonton to tell people what Bill C-54 will do. Senator Plett wants to go to Landmark, Manitoba, and tell those people, but he does not know what is in the bill because it has not gone to committee.

The issue, honourable senators, is about process and respect. It is the respect not only of the institution but also of the people and the regions that we are sent here to represent. How do we go back to our people next week and explain to them that we have no idea what the bill really means or what it will do because we have not had the opportunity to ask the experts? As Senator Banks said, maybe a whole lot of amendments would have come out of such a study. He said that there were 197 amendments in those years, which is important.

When we were in power, I voted against our government once or twice here in the Senate. I will do it again when I think it is appropriate.

You have to stand up over there, honourable senators. You have to stand up and ask, "What am I thinking?" It is important. We need to talk about that.

The process is such that the bills come here and we take our time in carefully examining them. We do not drag our feet. We ask witnesses to come in. We are good at identifying better witnesses than they are in the other place. We have seen time and time again, bill after bill, where we have thought of witnesses that they have not. Those witnesses have given us insight that has helped us improve a bill, or, if some of us were objecting to a bill, have given us the insight to say: "Now I get it. I understand what you are trying to do. I will buy it."

Honourable senators, I do not know whether "I buy it" because I have not had the opportunity. Senator Peterson has not had the opportunity. He will go back to Saskatchewan this weekend and people will say, "Senator Peterson, what is in Bill C-54 and how does it affect the people of Saskatchewan?" He does not have the answer.

It is not fair, honourable senators, that due process is being denied. Of course, it is being denied by the people opposite, by the people who are the big proponents of coalitions when it is to their advantage and are against coalitions when the coalitions are working against them.

I also wanted to talk a bit more about the tradition here. The Senate, as Senator Banks mentioned, is a very important place. When the debates on Confederation took place, Sir John A. Macdonald, who was a terrific Prime Minister — and you will not hear me say that often about someone from that political party — put a lot of thought into the formation of this place. That was very important. It was not done casually. It was done with a lot of forethought. This is the exact kind of moment that Sir John A. Macdonald thought about. When someone brought forward legislation and others wanted to avoid due process, Sir John A. said, "We need something to do a double-check on this." That, honourable senators, is the Senate.

**The Hon. the Speaker *pro tempore*:** I regret to advise the honourable senator that his time is up. Are you asking for more time?

**Senator Mercer:** Five more minutes.

**The Hon. the Speaker *pro tempore*:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

• (1210)

**Senator Mercer:** Thank you, honourable senators. I am sure that I will not need the full five minutes because I have nearly concluded my remarks.

I appeal to honourable senators opposite; I appeal to their sense of justice, fair play and common decency. Where is the kangaroo court, honourable senators? Is it in the House of Commons, where the majority have clearly spoken, or here, where we are not being allowed to follow due process as established clearly in our *Rules of the Senate*, in our tradition and in our deep history of the Westminster system?

**Senator Dallaire:** Senator Mercer, will you accept a question?

**Senator Mercer:** Yes.

**Senator Dallaire:** Honourable senators, when the words spoken here go out of these buildings, they go out with a gyro, that is to say, a spin, a significant spin.

The Conservative Party has decided to block Bill C-393, which would help hundreds of thousands of children. We are currently speaking to Bill C-54, trying to stop it from leaping ahead without due process.

What kind of spin does the honourable senator think will result from that sort of exercise?

**Senator Mercer:** I thank the honourable senator for the question.

If we acted on Senator Segal's long-standing suggestion to televise the proceedings of this place, this would not be happening today. They could not stand the scrutiny of the bright lights.

On Bill C-393, my advice to those wonderful women, known colloquially as the "grannies," who were in the gallery is: Do not forget this on May 2. Do not forget this as you talk to your friends and neighbours across the country between now and May 2. We need to remind groups such as theirs of this between now and May 2. It is not spin, honourable senators. It is the fact; it is the truth; it is the gospel. We need to get it out to the people, and quickly.

**Hon. Pierre De Bané:** Honourable senators, Senator Mercer named all the prominent legal scholars on the other side. I want to point out that the honourable senator's researcher mistakenly listed our colleague Senator Michael Meighen as a graduate of McGill. Actually, he and I were classmates at Laval.

Does the honourable senator agree that one of the main characteristics of the British parliamentary system, if not the main characteristic, is the central role of the official opposition?

**Senator Mercer:** Honourable senators, I misread my note. My researchers did do a good job. The note says that Senator Meighen is a graduate of McGill but his law degree is from Laval. I do stand corrected. In my haste, I read it incorrectly.

Senator De Bané is absolutely correct. One of the great principles of the Westminster system is that we have an opposition, that we can stand up and oppose, and that we can ask questions of those opposite. In particular, we can quiz any minister of the Crown who happens to be a member of our chamber, and we do daily question Senator LeBreton. I entirely agree with Senator De Bané.

[Translation]

**Hon. Maria Chaput:** Honourable senators, I support Senator Cowan's motion to refer Bill C-54 to the Standing Senate Committee on Legal and Constitutional Affairs.

In my opinion, this bill must be sent to committee for debate, study and consideration. The bill has two aspects: its content and its consequences. By content, I mean the intent or perception of the bill. Clearly, this bill's intent to protect our children is commendable. We all want to protect children. They are the most precious things in our lives. The perception of the bill is the manner in which we can protect children. The impact of the bill is how it will actually protect our children. It is very important for the Standing Senate Committee on Legal and Constitutional Affairs to consider this.

What is the actual impact of the bill? Will it protect our children? Is it another tool that would allow us to better protect our children from predators, from abusers or even from themselves? Is it a real, applicable tool? These are the things committees debate. The witnesses who are called to appear help us to better understand what a bill is and the impact that it will have.

As I said earlier, we all want to protect our children. We want more tools to help us protect them better. However, will this bill really help to afford them additional protection? In order to determine whether such is the case, the bill must be debated in committee. This debate also involves consultation with Canadians. In my opinion, holding consultations with Canadians is something we must do, and this consideration is part of who we are in the Senate of Canada.

I have always had reservations when it comes to not holding consultations with Canadians, and these reservations have only grown with time. Some honourable senators are talking about skipping steps in the democratic process. They are ignoring the consultation stage for a bill that affects the lives of Canadians and our children, their children, for an issue that affects them directly and very closely. We are talking about not holding consultations with the public. We are talking about making a decision, in this chamber, without having heard what Canadians have to say about this bill. I find this unacceptable.

The consultation process must be respected. It is part of our responsibilities and obligations; it is part of the consideration process. It is indicative of the respect that we must show Canadians and the respect that we must have for this honourable institution and for the integrity of the process.

For these reasons, honourable senators, I support Senator Cowan's motion.

**Hon. Marie-P. Poulin:** Honourable senators, I would also like to support the motion moved by Senator Cowan, the Leader of the Opposition in the Senate, to send Bill C-54 to the Standing Senate Committee on Legal and Constitutional Affairs.

Earlier, Senator Banks called the Senate the "quality control department of Parliament". We have always referred to the Senate as the chamber of sober second thought. Although Senator Banks' description brings a smile to our faces, it is quite apt.

The task conferred by the Fathers of Confederation on our honourable institution as the upper chamber, in keeping with the long-established British parliamentary system, places on our individual and collective shoulders a great responsibility with respect to the legislation brought before us. The bill before us affects the most important people in the country, people who have no voice in the Senate.

• (1220)

We have a duty to speak for all these children to ensure that they are better protected. Honourable senators, it is striking that all senators unanimously acknowledge the importance of this legislation introduced in the Senate this week.



I took the time to review our history. I found a study written by Brian O'Neal in June 1994 on the role and effectiveness of Senate committees. I found it interesting to revisit a study released in 1994. A number of us have pointed this out. The study says:

There is . . . one aspect of the Senate and its work that most critics do not mention and of which many Canadians are unaware. While the chamber itself suffers from declining prestige, its committees have received recognition — from close observers of the institution — for their valuable contribution to the public life of this country. Yet, as C.E.S. Franks admits, "Senate committees. . . have a far better record than is generally appreciated." (5)

Nevertheless, those familiar with the work of Senate committees have been generous in their approval. Senators serving on committees have been praised for their diligence and their ability to apply their knowledge and experience to the issues before them.

In his 1965 landmark study of the Canadian Senate, Professor F.A. Kunz provided one of the few descriptions of the tasks that committees of the Upper House ought to perform. According to Kunz, there are three principal roles for Senate committees:

- to legislate; Kunz states that this is perhaps their primary and most obvious role. The committees' job is to give "a skilled and leisurely consideration to the technical provisions of a bill. . . ." (11)

I repeat, give "leisurely consideration". Obviously, Professor Kunz is referring to our second responsibility to scrutinize public accounts and our third responsibility to inquire. Nonetheless, getting back to our primary role, we are dealing with Bill C-54. Professor Kuntz reminds us that our primary responsibility as senators is to give a skilled and "leisurely" consideration to the technical provisions of a bill.

A number of honourable senators have spoken eloquently about what consideration of a bill requires. These studies require us to listen to Canadian experts, representatives and those directly affected by the legislation and to work with experts from across the country and outside the country.

Honourable senators, I ask that you support the motion of Senator Cowan.

[English]

**Hon. George Baker:** Honourable senators, I have a few words on this bill. I will start by referencing the comments of Senator Banks, Senator Fraser and Senator Cowan by asking the question: Where is the Tackling Violent Crime Act today under consideration for its constitutionality? It is in the Supreme Court of Canada, in a case called *R. v. Dineley*; permission granted to appeal was back in 2010, 2010 CarswellOnt 8210. It is there, honourable senators, because both the House of Commons and the Senate forgot to ask the minister, when he was before the committee, whether the bill would apply retrospectively or

prospectively. The issue is rather serious because the Tackling Violent Crime Act has been tied up in litigation ever since its passage. It has finally gotten to the Supreme Court of Canada, section 258(1).

Regarding decisions of superior courts, His Honour has appeared before the superior court in British Columbia giving testimony. He was called as a witness because he is an expert on a particular subject that he was the chair of before a committee in this place, so he knows whereof I speak.

In the case of 2008 CarswellOnt 7794, before a superior court, at paragraph 43 of the decision, the heading is "Parliament's Silence on Retrospectivity." It goes on to say the following at paragraph 43:

The Crown cites the *Hansard* debates surrounding Bill C-2 as evidence that Parliament intended it to be retrospective.

Bill C-2 was the tackling violent crimes legislation that passed this place in 2008. The decision continues to quote speeches and so forth that were made before the committee. Then at paragraph 44, the superior court says the following:

This is a problematic argument for the Crown to advance for two reasons.

Then it goes on for disposition. In this case, it says at paragraphs 46 and 47:

For these reasons, the applicant shall be entitled to have "his evidence to the contrary" defence . . .

At paragraph 47, it says:

Pending the outcome of this trial, both the Crown and counsel for the applicant have agreed that this ruling shall not be published by the local or regional press . . .

That is, until it is finally disposed of.

Then, honourable senators, there are other cases, such as 2008 CarswellOnt 7794, with the heading, "Retrospective or prospective application: procedural or substantive changes?" The judge says the following:

As expected, the *Tackling Violent Crime Act* does not provide any insight at all as to its possibly retrospective application, nor does it provide any guidance as to its potentially transitional scope. . . .

Then the judge goes on to say:

In considering the potentially retrospective application of Bill C-2, courts have turned to an examination of the *nature* of the change effected by the amendments.

I could go on quoting from cases, all of them citing case after case after case. Here is another one, 2008 CarswellOnt 6407, with the heading, "Is C-2 retrospective?" It is another superior court, and it states the following at paragraph 10:

Since July 2 there has been an avalanche of thoroughly researched and well reasoned decisions on the retrospectivity point.

Honourable senators, the point is that we all forgot to ask that simple question, and the Department of Justice forgot to say whether it would be applicable to those persons who had committed an offence, and, between the commission of the offence and the passing of sentence, whether or not the new act would apply. That was an omission of just asking a simple question.

• (1230)

The other part of the Tackling Violent Crime Act is stuck in our provincial courts and in our superior courts right across this nation as it pertains to subsection 254(2) of the Criminal Code. Why is it stuck? It is stuck because — and here is the shame of it all — guilty people are getting away free, with the passage of that particular change, in many court decisions. If the change had not taken effect, they would have been convicted.

The change that we made under the Tackling Violent Crime Act to subsection 254(2) is this, and some honourable senators know this provision well. Subsection 254(2) is directed towards impaired driving. If someone is stopped by a police officer because they are weaving all over the road, for example, the police officer will come up to the window and say, "Could I see your driver's licence, registration and insurance?" He does that under the authority of the Highway Traffic Act of the respective province.

Then the police officer might detect, because the window is down, a smell of something in the car, such as an alcoholic beverage or something, and he may ask a simple question: "Have you been drinking, sir or madam?" If the person says, "Well, I only had a bottle of beer earlier on today," or "I had a drink this morning," or something such as that, section 254(2) says if a police officer suspects a person has alcohol in their body, then the roadside instrument forthwith shall be demanded of them. If the person admits they had a taste of alcohol, it gives the police officer the authority to make that demand, if there is a smell of alcohol together with the other indicia of drinking and driving.

What change did we make under the Tackling Violent Crime Act passed in 2008? We changed it so that it now reads such that when a police officer suspects someone who has driven a vehicle or has care or control of a vehicle — that is, if one is sitting in the driver's seat; even if it is parked, one is in care or control of a vehicle and that also applies to airplanes, boats and any other vehicle — then the police officer can make the demand forthwith. We changed it so that if the officer suspects that the person has alcohol in their body and if they have driven in the previous three hours, the demand can be made forthwith. That was the change.

The intention of the change was good. We had good intentions. They wanted to cover when somebody tips off the police to the fact that someone has been driving in the previous three hours

that the roadside demand can be made, which led to some absurdities.

For example, with respect to a civil servant on the 15th floor of an office building, when a tip came in that that person had gone to work in the morning but was impaired, or suspected of being impaired, the law said that a demand shall be made forthwith because the person had been drinking or there was a tip the person was impaired in the previous three hours. The person would be demanded on the 15th floor of a Kent Street office building to forthwith give a sample of his breath. It led to a case where a gentleman was at work in a very public place two hours after drinking and the demand being made forthwith.

The contest in the courts is if one has been driving in the previous three hours, whether or not the forthwith demand is at play any longer. The meaning of the word "forthwith" is immediate, and one does not tie it in with the other, the previous three hours and forthwith.

As honourable senators know, the scheme of the act is that everything has to flow. One does not have rights to counsel for that first demand at roadside and that has been judged to be a violation of rights under the Charter, but justified under section 1 because it is reasonable that a person not be given rights to counsel. When we changed it to include the previous three hours, then rights to counsel are violated. That is what is in the courts, bouncing back and forth, and the cases are numerous; in each province it is being litigated.

That is the point that one can make quite logically. All of these bills that are hurriedly put together by the Justice Department and rushed through Parliament are sometimes defective. The only way that one can find out if they are defective is to ask questions of the officials and the minister.

The other day at the committee hearing, the minister was asked the question, "When does the application of this bill apply? Is it retrospective?" The minister replied, "The Senate seems to be preoccupied with the words 'retrospective' and 'retroactive.'"

There is good reason for that, because the crimes bill that was recently passed is tied up in the courts all because of the question and answer given to that bill.

Senator Fraser brought up the question of telecommunication. I did a fast job of looking it up, because it struck me that the word "telecommunication" is not considered to be a computer system. The bill that we are looking at now changes the law in that "computer system" is no longer present in the law with the change in this bill. It is replaced by "telecommunication." There is no definition of "telecommunication" in the bill, as Senator Fraser pointed out. It was brought up in the committee, and the department said, "Well, there is a definition of telecommunication in the Criminal Code and in the Interpretation Act." I did a fast check on that and I discovered there is a definition in the Criminal Code, at subsection 326(2). It says in this section and section 327:

... "telecommunication" means any transmission, emission or reception of signs, signals, writing, images or sounds of intelligence of any nature by wire, radio, visual or other electromagnetic system.



The point is that definition was adjudicated by the Supreme Court of Canada in *R. v. McLaughlin* in 1980. What did the Supreme Court of Canada say? Referring to section 287, as it was at that time, the court said:

... telecommunication. . . connotes a sender and receiver. A computer, being a computing device, contemplates the participation of one entity only, namely, the operator. . . and hence it stretches the language beyond reality to conclude that a person using a computer is thereby using a telecommunication facility . . .

The definition in the Interpretation Act is exactly the same.

A simple question was put in the committee of the House of Commons to that question that Senator Fraser then probably raised in this house because she knew the question was asked and that there is no definition for it. The House of Commons accepted the fact that it is defined in the Criminal Code and in section 35 of the Interpretation Act. They said “okay” without looking at what it said and without checking and finding out that the Supreme Court of Canada had struck it down as it applies to a computer.

**Hon. Pierre Claude Nolin (The Hon. the Acting Speaker):** Is Senator Baker asking for more time?

**Senator Baker:** For two minutes.

**The Hon. the Acting Speaker:** Five minutes, Senator Baker.

• (1240)

**Senator Baker:** Honourable senators, as I have said many times here in this chamber, if you look at the case law you see that the Senate proceedings are constantly referenced. The Senate proceedings are constantly referenced because those questions would be asked, and that is the importance.

Honourable senators, I stood up one day and praised two members of the other side for asking questions during a meeting of the Standing Senate Committee on Legal and Constitutional Affairs, and one of them mistook it and thought I was being facetious. I was not, because when you ask the question, you get an answer, and it is clarification of the law as it is intended to be, and it heads off challenges like this in which guilty people are set free.

If that change is made with the word “telecommunications” — there is not a mention of “computer” — could it result, as it did in the tackling violent crimes bill, of guilty people escaping conviction? Absolutely, if that is the case.

Honourable senators, this bill spent 127 days in the other place. It spent two days here. That is my point. Thank you.

**The Hon. the Acting Speaker:** Senator Fraser, you have a question.

**Senator Fraser:** If Senator Baker were not a senator, he would be an expert witness, so I will put a couple of questions to him.

As I read the definition of “telecommunication” in section 326, it applies to sections 326 and 327, and 327 goes on for quite a bit. Has the honourable senator figured out whether it would apply to sexual offences, or is that something we would have been required to check with expert witnesses before the committee?

Second, as you look at this bill, have you found — I have not, but you are more expert than I — any discussion of whether it is retrospective or not? Would it create the same kind of legal void that we created with Bill C-2?

**Senator Baker:** In answer to Senator Fraser’s question, I think it would create the same type of a problem.

The change with the word “telecommunication” is throughout the bill, as it applies to 172.2 of the Criminal Code, but also 172.1. What replaces “computer,” as far as I can see, is where it says, “using the Internet or other digital network. . .” without defining a digital network.

Honourable senators, there is quite a difference in the meaning of “Internet” with a capital “I” and a small “i” in the law, as the chair is aware.

The need for clarification of these sections is certainly of great importance.

**An Hon. Senator:** Question!

**The Hon. the Acting Speaker:** It was moved by Senator Cowan, seconded by Senator Tardif, that Bill C-54 be not now read a third time but that it be referred to the Standing Senate Committee on Legal and Constitutional Affairs for consideration and report.

All those in favour of the motion, will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Acting Speaker:** All those opposed to the motion please say “nay.”

In my opinion, the nays have it.

*And two honourable senators having risen:*

**Hon. Jim Munson:** Honourable senators, pursuant to rules 67(1) and 67(2), I request this vote be deferred until Monday at 5:30.

**The Hon. the Acting Speaker:** The vote will be deferred until Monday.

## STUDY ON MATTERS RELATING TO ANTI-TERRORISM

### THIRD REPORT OF SPECIAL COMMITTEE ON ANTI-TERRORISM—DEBATE ADJOURNED

The Senate proceeded to consideration of the third report (interim) of the Special Senate Committee on Anti-terrorism entitled: *Security, Freedom and the Complex Terrorist Threat: Positive Steps Ahead*, tabled in the Senate on March 23, 2011.

**Hon. Hugh Segal:** Honourable senators, I wonder if might speak to the committee report under Item No. 1. I have spoken with Senator Joyal, and he has agreed that I could speak on the matter under his name.

Honourable senators, I want to put on the record a little bit of the content of the report which is now on the Order Paper for consideration at some future date. In so doing, I want to express my profound appreciation to my colleague, Senator Joyal, who acted as deputy chair, and to other colleagues on both sides of this chamber, Senators Furey, Jaffer, Marshall, Nolin, Smith (Cobourg), Tkachuk and Wallin, who also worked hard through the hearings and on the preparation of the report now before you.

I would be remiss if I did not express my appreciation for the very hard work of the parliamentary research officers, Dominique Valiquet and Cynthia Kirkby, and of course our remarkable clerk, Barbara Reynolds, who never took “no” for an answer and was able to facilitate all our meetings, plus teleconferences with witnesses from across the world, in the most constructive and helpful way.

As those who have been in this chamber longer than me will know, this committee was originally constituted to deal with special legislation that was brought in by the Chrétien administration after the events of 9/11.

Honourable senators, various changes had to be addressed when that legislation elapsed, in terms of its five-year time frame. Recommendations were made by prior committees, based also on decisions by the Supreme Court with respect to some of the guarantees that were offered by officials during the time of the original legislation, that the legislation was, in fact, Charter proof. In fact, the courts determined that in some significant respects, it was not. Changes were recommended by this committee and the government of the day acted to make those changes. Then, by virtue of elections, prorogations and the continued existence of Bill C-17 in the other place that has yet to come to this place, we have not completed that cycle.

In the interim, we received, last year, an order of reference from this place to look at anti-terrorism matters, writ large, and to perform an analysis of Canada's preparedness, the information sharing between our security agencies, and what might be done to, where appropriate, strengthen those operations.

The 15 recommendations, which I will not go through in great detail, deal with a range of issues, which I will reflect on for just for a moment.

Most importantly, in the initial part of the report, there is an extensive examination of the transition that we have seen in the phenomenon of home-grown terrorism, both in the United Kingdom, United States and Canada, from simple radicalization, disaffected young people to the use and planning of violent activities against the rest of Canadian society.

• (1250)

We are all aware of the arrest of the so-called Toronto 17 and the cooperation of different police and intelligence forces for the purpose of gathering up the information necessary for those charges to be laid and the due process that followed. We may not

have been aware that that was the third network that was under surveillance by security and police forces in this country. Two others had existed but were disrupted through lawful means before they could get to the point of providing any meaningful danger. Their activities led police forces to be concerned about the risk that might ensue, and we can be grateful that our police and security forces acted in a prophylactic and lawful way to keep bad things from happening, which of course is the best possible result.

Canada does not do a lot of research into this transition from simple radicalization to violence. Other countries — the United States and the United Kingdom — have done more. We heard evidence about the work being done there, and this report calls on the government to invest more heavily in that kind of research. It is behavioural. It is cultural. It relates to economic and social issues. It also relates to the relationship of the Internet, to the availability of materials which invite to violence.

While this report takes a strong position against censorship, this report also says that we might want to learn from some of the activities pursued by our police forces in terms of child pornography where ISPs, the actual suppliers of the digital signal, take some responsibility for the content in those broad nets and act in a fashion that is prophylactic and constructive.

There was also a strong set of recommendations about increasing representation in our police and security forces. We were delighted to see that we were not far off in terms of the make-up of those forces from the make-up of our population, but there is a gap. We are encouraging our police and security forces to try to close that gap as quickly as possible, but we did not recommend the use of quotas in that respect.

I want to deal with one other aspect of the report before I surrender the floor, and that is the issue of legislative oversight. I want to do so in a fashion that I hope will evoke interest from all of our colleagues.

Canada is the only G8 country that lacks legislative oversight of its security services. I am not talking about the great work that is done by SIRC, which is comprised of distinguished Canadians who have security clearance and, on a post factum basis, analyze complaints that may come up with respect to CSIS. I am talking about the British example of the parliamentary Security and Intelligence Committee chaired by Sir Malcolm Rifkind, a former Foreign Secretary and Defence Secretary, and made up of members of all the parties in the House of Commons and the House of Lords. They do not receive a formal security clearance in the sense that we would understand it. Senator Eggleton will understand this in terms of the Department of Defence and the security clearances that are required for senior officers of the Crown in those roles. They are appointed by the Prime Minister of Great Britain in consultation with the opposition leaders.

We held an informal meeting with that group here in Canada. Our entire committee had lunch with them at the British High Commission. We had a very frank parliamentarian-to-parliamentarian discussion about how they have operated. That oversight group, which looks at plans, budgets, operations, priorities and senior personnel for every single one of the British security agencies, has been in operation since 1994 — 17 years — and there has not been one single breach of national security in that period of time.



Many of the agencies and heads who appear before that British committee have said that they have found that process extremely helpful because when, on occasion, the media or, God knows, even a member of the opposition, makes an allegation about what may or may not have happened within the security services, the members of that parliamentary committee are in the position to say: "The allegation is both unfair and untrue. There was a full and broad discussion of those issues in our committee. We understand precisely what the security agencies were trying to do and why that was a rational reflection of the public interest as it might be best understood at that time."

Honourable senators, the recommendation that we move to the British model is one of the recommendations in the report before you. I believe it is one that in the spirit of the bipartisanship of the committee may survive whatever events transpire over the next five to six weeks, so that the government of the day that comes into office as a result of our democratic process may be well disposed to reflect on that content and think about moving ahead.

Interestingly enough, that committee reports to the Prime Minister, but the Prime Minister is, by statute, required to make the report public within a limited period of time. If there are matters in that report that he, in his wisdom, decides is not in the public interest to disclose, he is free not to do so, but he must indicate that he has, in fact, excised something from the report so the public and parliamentarians generically are aware of the fact that that took place.

That legislative accountability is important not because parliamentarians, certainly not on our committee and I am sure it is true for the broader community, have any interest in immersing themselves in the operational day-to-day decisions of security forces. They have to make those decisions based on the law, on the chain of command, and on the judgment and discretion the law gives them in the defence of all of our national security and individual safety in our society. There is the notion that there be no parliamentary review at all, no frank discussion of priorities, plans, direction, budgets and efficiency, and no discussion of whether the activities are responsive to the Charter of Rights and Freedoms. Officials often say that this piece of legislation or that piece of legislation is Charter-proof, and we later find out through due process in the courts that it is not so Charter-proof. The notion, as is the case before all of our committees in both houses now, that a head of CSIS or RCMP anti-terrorism is prevented by the secrets act, prevented by the law, from making full disclosure to parliamentarians does not reflect on their integrity or ours. It reflects on the absence of a statutory bridge so they can tell the truth as they often want to do but are prevented from doing by virtue of the act as it now exists.

Honourable senators, this proposal would allow us to make progress in that respect, and therefore I commend it with the other proposals in this report to your positive consideration.

**The Hon. the Speaker *pro tempore*:** Senator Segal, would you accept a question?

**Senator Segal:** I would be delighted.

**Hon. Lowell Murray:** Honourable senators, I must confess that I have not yet got around to reading the report of the committee, but I shall do so with considerable interest. I thank the

honourable senator for an interesting and thorough overview of what it contains.

Let me say, by way of preface, that I agree totally with the honourable senator on the question of legislative oversight. I well recall the day that our colleague Senator Fraser, acting for the Chrétien government, brought in new measures, post-9/11. While I suppose at my advanced age there is a tendency to repeat oneself, I remember thinking, and I think I said, that I for one, and I think many of us, would be prepared to cut the security services a lot of slack provided there was real legislative oversight. I think a lot of people, including many Canadians, might feel more reassured if my friend's recommendations were implemented.

My question, however, has to do with ministerial oversight. I do not know whether the committee dealt with that subject, but it is of considerable interest to me.

• (1300)

Ministers are not ciphers and ministers, of course, should not be dabbling in the middle of security operations any more than the rest of us. However, I believe it is of the utmost importance that proper political direction, as I think the honourable senator and I would understand it — and most of us would — is given to the security services.

Again, I delve back into my anecdotal life, but I remember being somewhat scandalized some years ago when the then Minister of Justice, the Honourable Anne McLellan, who was, as we know, a highly educated and capable minister, told the media that she had not been advised of the raid by the RCMP and security services on the private residence of a member of the Parliamentary Press Gallery, and that moreover she should not have been told.

I took an entirely different view and I think most of us would. It was a matter that involved national security, our international relations and freedom of the press, as we all know. Of course, the security services should have consulted her and, of course, she should have been willing to say, "I forbid you to do that," provided she is willing one day to stand up and take responsibility for her actions.

I do not know whether the committee dealt with this important issue. The first line of defence is proper political ministerial supervision. I do not know whether my friend's committee dealt with that issue, or indeed, whether he has any observations to offer on it, but I would be interested to hear about it.

**The Hon. the Speaker *pro tempore*:** Before Senator Segal continues, I wish to advise him that his time is up. Would the honourable senator like to ask for more time?

**Senator Segal:** Five minutes.

**The Hon. the Speaker *pro tempore*:** Is more time granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Segal:** I thank Senator Murray for that question. As we did not have any formal legislation to consider in the preparation of this report, we did not summon or invite a minister of the Crown to be present for the discussions so we did not explore that specific line of inquiry. I believe it would be inaccurate for me to suggest that there was any detailed debate within the committee about the exercise of ministerial accountability.

I believe it is fair to say, though — and I have colleagues in the chamber on both sides who served on the committee — that the consensus around legislative oversight was that ministerial accountability, in terms of the direct chain of command, is insufficient in a parliamentary democracy; that the premise of a parliamentary democracy is that while operational decisions have to be made on occasion in secret, and the people who have direct responsibility at the ministerial level, and the appropriate clearance, have to be aware of those decisions, and I would argue as the honourable senator does, that responsibility should not be a post-factum reality, but ministers have the right to be aware in advance and to exercise ministerial responsibility in that respect. We took the view that in a parliamentary democracy, whatever that reality may be, whatever measure of discretion might be employed by a minister of the Crown in the discharge of that obligation, there was a broader responsibility in a democracy that the elements and agents of national security have an accountability to the parliamentary process. That is because the definition in this report of national security is acting to protect Canadians, their institutions, their freedoms and their rights from intimidation, terrorist activity or violence from those who want to achieve political ends through violent purposes.

Therefore, the accountability to Parliament is one of the elements that our national security agencies seek to protect, and therefore they themselves should not be outside the same realm of accountability as other aspects of Her Majesty's government. However, we respect the need for confidence, discretion and a secure context within which the statute would allow them to testify in that circumstance.

**Hon. Joan Fraser:** I am not a member of the committee. As I listened to Senator Segal, I found myself thinking: This sounds like a wonderful report and I would endorse the concept of legislative oversight. I strongly agree that oversight would be a tremendous addition to the Canadian system. However, I did want to address the question raised by Senator Murray.

He, with his extraordinary institutional memory, may recall that a few years ago the Standing Senate Committee on Transport and Communications uttered a report on federal policy vis-à-vis the news media in Canada. In that report, we recommended that ministerial authorization be required for any search warrant or comparable exercise against a member of the media — home, newsrooms or whatever — for the kinds of reasons that I think the honourable senator is outlining, and our reasoning was similar to Senator Murray's. The government in its wisdom did not accept that explanation, but I still think it was a good one.

**Hon. Tommy Banks:** I wanted ask a question of Senator Segal, but his time is so close to expiring and my preamble to the question would be so long that I will simply speak on the debate

on the report. I apologize that I have been distracted otherwise and have not read the report, but I did take note of the fact that it made recommendations with respect to parliamentary oversight.

I am sure I am not informing honourable senators of anything they do not know, but it might be useful for all of us to know that Prime Minister Chrétien recognized that, as Senator Segal has said, Canada is the only nation among all our close allies, not only the four eyes or five eyes but all of our close allies, that does not have some form of parliamentary review or oversight of security and intelligence questions. In that respect, Prime Minister Chrétien empanelled an all-party committee of both houses of Parliament, which was chaired by Derek Lee, included Michael Forrestall, Colin Kenny, Serge Ménard, who was Minister of Public Safety for the Province of Quebec, Peter MacKay, Joe Comartin from the NDP and me. I believe that was the extent of the committee.

We went to London, Washington and Canberra, and corresponded otherwise with people to learn what we should do in that respect. It was the determination of the then government that we ought to connect with these people.

We made a report, which is, I suspect, in many ways concomitant with the report that the honourable senator made because we arrived at the same conclusion: There has to be parliamentary oversight because ministerial oversight, while it is important, is not enough.

It is not enough in either house of Parliament that someone should say, there seems to be a problem in Lithuania, and the minister stands up and says: Everything is okay, we have looked after it; or there seems to be a leak here and the minister says, we have looked after it. That is not good enough. Someone else has to stand up and assure their colleagues that the problem is being looked at. That is oversimplified, but that is how it boils down.

The question that exists, though, is how does one do this? Do we have oversight in the normal sense of that word, which implies a degree of direction, or do we have review, as in the case, for example, of the Security Intelligence Review Committee? Do we direct what is going on, oversee what is going on, or do we review what went on after the fact and determine whether it was okay? That is an important question. We did not make a determination on that respect. We recommended something in the middle.

One of the things that we talked about, though, was the access to which the honourable senator referred. For a member of Parliament to be able to stand up and assure either of our houses, and his or her colleagues, that a matter is being looked after properly, that person would need access at approximately the level of a privy councillor, which is the case with the people who oversee the Canadian Security Intelligence Service. They are privy councillors. There are advantages to that and there are disadvantages to that. Some members of that committee that I describe had differing opinions about whether the members of such a committee, a parliamentary oversight committee, ought to be made privy councillors or be given access to the highest levels of security questions by a means otherwise. We determined that it should be otherwise and that they should sign and undertake a very special oath, which would allow them access to those highest levels of security.



• (1310)

I hope that when we are considering the report that Senator Segal has described, honourable senators, that we will also take into account the report that was made by the committee that I have described, because there may be synergies between them. They may scratch each other's backs and the results may be even more fortuitous.

However, I am delighted to hear that a committee that the honourable senator described has recommended that. The report the committee made to government which I was talking about was not acted upon, partly because of inertia and partly because of changes in government. I am delighted that the honourable senator's committee has raised it again and I am proud of what he said.

**Hon. Roméo Antonius Dallaire:** Honourable senators, when I joined this place, it confirmed what I knew from the years of serving, even as a general officer who came before committees, that the parliamentarians were often raising points that were essentially out of sync with the intelligence information and with the data that we had that was classified but which we could not use in front of the committee. One example would be the Defence Committee and, I would suggest, even the Special Senate Committee on Anti-terrorism, although I have just joined it and I have not seen a lot.

That absolutely made no sense to us, the generals. We have the minister and the executive, but parliamentarians in committee had, in fact, such an incredible limitation. I am trying to ruminate on what was agreed, that that special committee of senators and MPs would have access to all sources of information and intelligence in the nation in order to be able to provide the advice and the oversight to the Prime Minister.

Am I correct that that is how we wrote it?

I said that I wanted to ask a question.

**The Hon. the Speaker *pro tempore*:** Is there further debate?

**Senator Dallaire:** I thought I was limited by time. I was going to pursue debate.

I do not want to adjourn this because I want to see this thing through, so I will terminate my point of debate at this point.

(On motion of Senator Tardif, for Senator Joyal, debate adjourned.)

## BUSINESS OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, there have been discussions with my counterpart on the other side and I would ask the Senate to move to item 84 under "Other." I did, in fact, consult with the independents in the chamber, as I always try to do.

## THE SENATE

### MOTION TO CALL UPON CHINESE GOVERNMENT TO RELEASE LIU XIAOBO FROM PRISON— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stewart Olsen:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner;

And, on the motion in amendment of the Honourable Senator Day, seconded by the Honourable Senator Banks, that the motion be amended by replacing all the words after "call upon" with the words:

"the Government of Canada to discuss with the Chinese Government the welfare of Mr. Liu Xiaobo."

**Hon. Consiglio Di Nino:** Honourable senators, I will not keep you very long. I will only take a couple of minutes to put something on the record.

On this issue, honourable senators, I am not at all impressed with Senator Day's amendment or his arguments. His amendment would weaken my motion to the point of rendering it irrelevant. Maybe that is his intention.

On Senator Banks' suggestion that on these issues we should defer to the government, I remind him that we are the Upper House of the Parliament of Canada, with constitutional powers to deal with these matters.

Honourable senators, I strongly believe we must not give up our powers or independence and further weaken the role of this chamber in the governance of our nation. This may be a good subject for a Senate inquiry in the future.

Last night, honourable senators, Senator Jaffer stood alone to vote differently from the rest of her caucus colleagues. That was not an easy thing to do. I had a similar experience three or four years ago. I applaud Senator Jaffer. I know what it feels like.

I would like to say a few words about the motion.

For me, it is a simple matter of defending fundamental rights. Liu Xiaobo's sin was to express an opinion I believe guaranteed by the constitution of China, an opinion the communist regime did not like. For this sin, he was sentenced to 11 years in prison, where he languishes with little or no contact with family and friends. Most of the rest of the world has condemned China for prosecuting and, indeed, for persecuting Liu Xiaobo, a Chinese citizen who dared question the governance of his country.

My motion does not condemn China, nor is it offensive, precisely because of the sensitivities of the bilateral relations between Canada and China. It simply expresses an opinion about a matter we deem important, which regularly occurs between and among participants of all relationships.

The motion also gives voice to someone who has been denied his rights. It gives hope to all who are oppressed and unable to speak for themselves. Mr. Elie Wiesel said, and I paraphrase: when injustices take place, to silently stand by the sidelines makes us culpable.

I agree with him. When confronted with injustices and abuses of fundamental rights, silence makes us accomplices.

Honourable senators, by rejecting Senator Day's amendment, I am clearly and loudly announcing where I stand.

(On motion of Senator Di Nino, debate adjourned.)

(The Senate adjourned until Monday, March 28, 2011, at 2 p.m.)

---



## CONTENTS

Friday, March 25, 2011

|   | PAGE |  | PAGE |
|---|------|--|------|
| <b>SENATORS' STATEMENTS</b>                           |      | <b>Industry</b>  |      |
| <b>Global Day of Epilepsy Awareness</b>               |      | Drugs for International Humanitarian Purposes.               |      |
| Hon. Jane Cordy .....                                 | 2213 | Hon. Don Meredith .....                                      | 2219 |
| <b>British Columbia</b>                               |      | Hon. Marjory LeBreton .....                                  | 2220 |
| Ranching Industry.                                    |      | Hon. Claudette Tardif .....                                  | 2220 |
| Hon. Nancy Greene Raine .....                         | 2213 |  |      |
| <b>Participation of Women in Peace Processes</b>      |      | <hr/>  |      |
| Hon. Mobina S. B. Jaffer .....                        | 2214 | <b>ORDERS OF THE DAY</b>                                     |      |
| <b>Foreign Critics of Canadian Policy</b>             |      | <b>Criminal Code (Bill C-54)</b>                             |      |
| Hon. Nicole Eaton .....                               | 2214 | Bill to Amend—Third Reading—Deferred Vote.                   |      |
| <b>City of La Tuque, Quebec</b>                       |      | Hon. Bob Runciman .....                                      | 2220 |
| Congratulations on One Hundredth Anniversary.         |      | Hon. James S. Cowan .....                                    | 2220 |
| Hon. Lucie Pépin .....                                | 2215 | Motion in Amendment.   |      |
| <b>Mrs. Bertha Campbell</b>                           |      | Hon. James S. Cowan .....                                    | 2222 |
| Congratulations on Winning 2011 Rosemary Davis Award. |      | Hon. Gerald J. Comeau .....                                  | 2222 |
| Hon. Elizabeth Hubley .....                           | 2215 | Hon. Anne C. Cools .....                                     | 2223 |
| <b>Foreign Critics of Canadian Policy</b>             |      | Hon. Claudette Tardif .....                                  | 2224 |
| Hon. Tommy Banks .....                                | 2215 | Hon. Joan Fraser .....                                       | 2224 |
| <b>Royal Assent</b>                                   |      | Hon. Tommy Banks .....                                       | 2226 |
| The Hon. the Speaker <i>pro tempore</i> .....         | 2215 | Hon. Lillian Eva Dyck .....                                  | 2227 |
|   |      | Hon. Grant Mitchell .....                                    | 2228 |
|   |      | Hon. Roméo Antonius Dallaire .....                           | 2231 |
|   |      | Hon. Terry Mercer .....                                      | 2232 |
|   |      | Hon. Joseph A. Day .....                                     | 2232 |
|   |      | Hon. Hugh Segal .....  | 2232 |
|   |      | Hon. Pierre De Bané .....                                    | 2237 |
|   |      | Hon. Maria Chaput .....                                      | 2237 |
|   |      | Hon. Marie-P. Poulin .....                                   | 2237 |
|   |      | Hon. George Baker .....                                      | 2238 |
|   |      | Hon. Jim Munson .....  | 2240 |
| <hr/>   |      | <b>Study on Matters Relating to Anti-terrorism</b>           |      |
| <b>QUESTION PERIOD</b>                                |      | Third Report of Special Committee on Anti-terrorism—         |      |
| <b>Finance</b>  |      | Debate Adjourned.  |      |
| Budget 2011.  |      | Hon. Hugh Segal .....  | 2241 |
| Hon. James S. Cowan .....                             | 2216 | Hon. Lowell Murray .....                                     | 2242 |
| Hon. Marjory LeBreton .....                           | 2216 | Hon. Joan Fraser .....                                       | 2243 |
| Hon. Mobina S. B. Jaffer .....                        | 2217 | Hon. Tommy Banks .....                                       | 2243 |
| <b>National Defence</b>                               |      | Hon. Roméo Antonius Dallaire .....                           | 2244 |
| Mission in Afghanistan.                               |      | <b>Business of the Senate</b>                                |      |
| Hon. Roméo Antonius Dallaire .....                    | 2217 | Hon. Gerald J. Comeau .....                                  | 2244 |
| Hon. Marjory LeBreton .....                           | 2217 | <b>The Senate</b>  |      |
|   |      | Motion to Call Upon Chinese Government to Release Liu Xiaobo |      |
|   |      | from Prison—Motion in Amendment—Debate Continued.            |      |
|   |      | Hon. Consiglio Di Nino .....                                 | 2244 |













*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5



16006











